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School and Teacher's

BULLETIN

State Board of Education

Issued Quarterly

Harris Hart, Superintendent of Public Instruction

Vol. III.

JUNE, 1920

No. 1

Virginia School Laws

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Constitutional Provisions.

Education and Public Instruction.

1. Free schools to be maintained.

The General Assembly shall establish and maintain an efficient system of public free schools throughout the State. (Sec. 129)

2. State Board of Education.

a. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators, to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary so long as the State continues its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

b. Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board. (Sec. 130)

c. The duties and powers of the State Board of Education shall be as follows:

(1) It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

(2) It shall have, regulated by law, the management and investment of the school fund.

(3) It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

(4) It shall select text-books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

(5) It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly

shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof. (Sec. 132)

(6) Prescribe duties of Superintendent of Public Instruction. (Part of section 131)

(Proposed amendment to section 132 passed by General Assembly of 1920 to be acted on by Assembly of 1922. "The powers and duties of the State Board of Education shall be prescribed by law.")

3. Superintendent of Public Instruction.

The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board. (Part Sec. 131)

4. School districts; school trustees.

Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law. (Sec. 133)

(Proposed amendment to be voted on at the general election November 2, 1920. "Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be not more than three trustees selected, in the manner and for the term of office prescribed by law.

"Men and women may serve as school trustees in said districts, and in cities and towns forming separate school districts.")

5. School funds.

a. The Literary Fund.—The General Assembly shall set apart as a permanent and perpetual literary fund the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate. (Sec. 134)

b. Appropriations for school purposes; school age.—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of State revenue to the support of the schools not less than that provided in this section. (Sec. 135)

c. Local school taxes.—Each county, city, town (if the same be a separate school district), and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local

school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes. (Sec. 136)

(Proposed amendment to be voted on at general election November 2, 1920. "Each county, city, town, if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate in any one year a rate of levy to be fixed by law, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require; provided that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.")

d. State appropriation prohibited to schools or institutions of learning not owned or exclusively controlled by State or some subdivision thereof; exceptions to rule.—No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district. (Sec. 141)

e. Taxable property; taxes shall be uniform as to class of subjects and levied and collected under general laws.—All property, except as hereinafter provided, shall be taxed; all taxes, whether State, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. (Sec 168)

f. Reassessment of real estate.—The General Assembly shall provide for a reassessment of real estate in the year nineteen hundred and five and every fifth year thereafter, except that of railway and canal corporations, which, after January the first nineteen hundred and thirteen, may be assessed as the General Assembly may provide. (Sec. 171)

g. State, county and municipal capitation taxes.—The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools; in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper

county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine. (Sec. 173)

h. Property exempt from taxation.—Except as otherwise provided in this Constitution, the following property, and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (1):

(1) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

* * * *

(2) Buildings, with the land they actually occupy, and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate; provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretense whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees. (Parts of Sec. 183)

* * * *

6. Agricultural, normal, manual training, and technical schools.

The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good. (Sec. 137)

7. Compulsory education; exceptions.

The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees. (Sec. 138)

(Proposed amendment to be voted on at the general election November 2, 1920. "The General Assembly may, in its discretion, provide for the compulsory education of children of school age.")

8. Free text-books.

Provision shall be made to supply children attending the public schools with the necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them. (Sec. 139)

9. Mixed schools prohibited.

White and colored children shall not be taught in the same school. (Sec. 140)

10. Boards of visitors and trustees of educational institutions; how appointed, and term of office.

Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years. (Sec. 142)

PUBLIC FREE SCHOOL LAW.

(Chapter 32 of the Code of Virginia, 1919).

Of Public Free Schools for Counties and of the Literary Fund.

1. Efficient system of public free schools.

An efficient system of public free schools shall be established and maintained in all the counties and towns of the State. (Code, Sec. 594)

2. Authorities for administering system.

The public free school system shall be administered by the following authorities, to-wit: A State Board of Education, a Superintendent of Public Instruction, division superintendents of schools, and district and county school boards. (Code, Sec. 595)

3. State Board of Education.

a. Composition.—The State Board of Education shall be a corporation by that name, and shall consist of the Governor, the Attorney-General, the Superintendent of Public Instruction, and three experienced educators, to be elected quadrennially by the Senate from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective board of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and the Blind, and also of the College of William and Mary (so long as the State shall continue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the Governor, the Attorney-General, the Superintendent of Public Instruction, and three experienced educators elected by the Senate. as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official. (Code, Sec. 596)

b. Terms of members.—The terms of the three members required to be elected by the Senate in the preceding section shall be four years: provided, they continue so long on the list of eligibles and those in office when this Code takes effect shall continue until the expiration of their terms on March first, nineteen hundred and twenty-three. The Senate shall elect their successors at the session of the General Assembly which begins next before the expiration of the term of the members of the board so elected by the Senate, and so on from term to term of the members so to be elected.

The terms of the two division superintendents shall be two years from the first day of April, nineteen hundred and nineteen: provided, they hold the office of division superintendent so long; and, within thirty days before the expiration of their term every two years thereafter, the appointing

board herein provided shall select their successors, whose term shall be two years from the first day of April following their appointment. (Code, Sec. 597)

c. **Qualification.**—Before entering upon their duties, all the members of the State Board of Education, except the Governor, the Attorney-General, and the Superintendent of Public Instruction, shall take and subscribe the oaths prescribed by the Constitution. (Code, Sec. 598)

d. **Vacancies.**—Any vacancy occurring during the term of any member of the board, except that of the Governor and the Attorney-General, shall be filled for the unexpired term by the board. (Code, Sec. 599)

e. **Officers.**—(1) *President*: The Superintendent of Public Instruction shall be ex-officio president of the State Board of Education, by which his duties shall be prescribed. (Code, Sec. 623.) (2) *Secretary*: (See sections 5 and b', page 11). (3) *Other officers*: (See sections 5 and c', page 11).

f. **Meetings.**—Meetings of the board shall be held upon the call of the president, or upon request of a majority of its members: provided, that the president shall give due notice to all the members of the time of holding the meetings. The place of meeting shall ordinarily be the office of the Superintendent of Public Instruction. (Code, Sec. 601)

The State Board of Education shall meet on the third Tuesday of January, March, May, July, September and November at 11 A. M. Special meetings may be called at any time by the president of the board or by three members thereof. (State Board Regulation)

g. **Quorum.**—A majority of the members shall constitute a quorum for the transaction of business. (Code, Sec. 600)

h. **Record.**—A faithful record shall be kept of the proceedings of the board, which shall be signed by the president, or, in his absence, by the president pro tempore, and shall at all times be open to inspection. (Code, Sec. 602)

i. **Compensation.**—Such reasonable expenses as the members of the board, except the Governor, the Attorney General, and the Superintendent of Public Instruction, may incur in attending the meetings of the board, or any committee thereof, shall be paid from the funds at the command of the board by warrant on the Second Auditor as other expenses of the board are paid. (Code, Sec. 620)

The expense accounts of members of the Board shall be entered on printed forms under three headings as follows:

1. Transportation.
2. Meals en route.
3. Expense allowance.

(At the rate of \$8.00 per day from time of arrival in Richmond on business of State Board of Education or committees thereof to time of leaving, the number of days and fractions thereof to be stated.) (State Board Regulation)

j. **Duties of State Board of Education:**

(1) *Divide State into School Divisions.*—It shall be the duty of the State Board of Education to divide the State into appropriate school divisions, in the discretion of said board; comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint for each of such divisions one superintendent of schools, who shall hold office for four years and who during his said incumbency of this office shall be required to devote himself exclusively to the discharge of its duties; but

the said board may, in its discretion, make an exception to this rule of exclusive employment when in the judgment of said board such exception will inure to the benefit of the public school system in the division of such superintendent thus excepted. (Acts of 1920, page 640)

(2) *Appoint Division Superintendents.*—(See Division Superintendents, section 5, page 21).

(3) *Prescribe duties of, and remove division superintendents; fill vacancies.*—The State Board of Education shall prescribe the duties of division superintendents, and may remove them for cause after reasonable notice, and all vacancies which occur during the recess of the General Assembly shall be filled by appointment of the board for the unexpired term, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the General Assembly, but it shall not be lawful, when the General Assembly is not in session, for said board to appoint as division superintendent any person whose nomination has been previously rejected by the Senate. (Code, Sec. 607)

(4) *Fix Powers and Duties of Division Superintendents.*—The powers and duties of the division superintendent shall be fixed by the State Board of Education. (Code, Sec. 628)

(5) *Approve appointment of Clerks and fix their salaries.*—The State Board of Education shall, in its discretion, approve the appointment by the superintendent of a first and second clerk, and such other employees as may be necessary for doing the work in the office of the Superintendent of Public Instruction, and fix their salaries. The first clerk, who is hereby required to serve also as secretary of the State Board of Education, may be allowed for these extra services such reasonable compensation as the board may deem just and proper. (Code, Sec. 608)

(6) *Make regulations for government of schools.*—The State Board of Education may adopt by-laws for its own government, and make all needful rules and regulations not inconsistent with law for the management and conduct of the schools. Such rules and regulations not inconsistent with law when published and distributed, shall have the force and effect of law until revised, amended or repealed by the General Assembly. (Code, Sec. 609)

(7) *Provide for the examination of teachers; appoint inspectors; fix compensation.*—a'. The State Board of Education shall provide for the examination of teachers by a State board of examiners, and the inspection of schools by inspectors to be chosen by the State Board of Education upon the nomination of the Superintendent of Public Instruction, or by the adoption of such other plans as the board may, in its discretion, deem wise and expedient. The duties, compensation, and expenses of such examiners and inspectors, shall be fixed by the State Board of Education, and paid as other expenses of said board are paid. (Code, Sec. 610)

b'. The State Board of Education shall provide for the examination of applicants for teachers' certificates through State examinations, and shall provide further for the certification of teachers in accordance with a plan which will guarantee reasonable standards which will be clearly defined and easily intelligible to teachers, and which will encourage professional equipment. Such a plan when prepared by the State Superintendent and authorized by the State Board of Education shall have the effect of the law. The plan shall be published in pamphlet form and distributed to school officials and other interested persons in order that full information may be given about the rules and regulations governing teachers' certificates. (State Board Regulation)

c'. Such State Supervisors of Schools as may be necessary shall be appointed by the State Board of Education upon nomination of the Superintendent of Public Instruction, who shall serve at the pleasure of the Board

or of the Superintendent. They shall perform such duties as the Superintendent may prescribe. Their compensations shall be fixed by the Board. (State Board Regulation)

(8) *Select text books and appliances.*—The State Board of Education shall select text books and educational appliances for use in the public schools in the State of Virginia, exercising such discretion as it may see fit in the selection of books suitable for schools in the cities and counties, respectively, subject to the conditions and restrictions set forth in an act of the General Assembly of Virginia, approved March 11, 1915, entitled "an act relating to contracts for text books adopted for use in the public free schools of the Commonwealth," which is continued in force. But no text books which may hereafter be adopted for use in any public free school in the State of Virginia shall be changed or substituted until the same shall have been used for a period of not less than four years. (Code, Sec. 611)

(9) *The State Board of Education shall enter into written contracts with the publishers of text books adopted for use in the public free schools of the Commonwealth, and the said contracts shall contain the following representations, terms and conditions, to-wit:*

a'. That the wholesale prices named in said contracts are in all cases as low as the wholesale prices at which said books are sold anywhere in the United States, and that the retail prices named in said contracts are in all cases as low as the retail prices at which said books are sold anywhere in the United States, taking into consideration the cost of distribution, and that the terms of exchange of books as set out in said contracts are in all respects as favorable to the patrons of the schools of Virginia as those granted by the publisher anywhere in the United States.

b'. That if the prices of said books or any of them shall at any time be reduced, or the terms of exchange made more favorable to the purchasers anywhere in the United States, the same reduction and the same exchange privileges shall thereupon immediately be granted throughout Virginia, and the publisher shall immediately notify the Superintendent of Public Instruction of such changes.

c'. That if any such publisher should issue any special or other editions of any such books and sell the same outside of the State of Virginia at lower prices than those named in said contract, the said publisher shall furnish the Superintendent of Public Instruction, immediately on the publication of said edition, a copy thereof, together with a statement of the lowest price being charged therefor, and thereupon the State Board of Education may, in its discretion, require said publisher to issue a similar edition for Virginia, adapted in text to use in this State, and in all respects satisfactory to the State Board of Education; and the said edition for Virginia shall be sold at the lowest price at which is sold said special or other edition issued outside of this State, as aforesaid; and if said publisher fail to issue said similar edition, approved by the State Board of Education, in time for use at the beginning of the next school year following the issue of said special or other edition outside of this State, then the edition mentioned in the contract shall be sold throughout the State at the lowest price said special or other edition is sold outside of Virginia, and such reduced price shall prevail until such edition is issued for Virginia, as aforesaid.

d'. A provision under which, in case the publisher is a foreign corporation or a non-resident of this State, the Secretary of the Commonwealth shall be appointed as agent upon whom process may be served against the publisher in case any legal proceedings be commenced to enforce any rights or claims arising under said contract.

e'. Any other representatives, terms or conditions which the said Board of Education may deem necessary for the protection of the patrons and pupils of the public free schools or to the interest of the public school system.

f'. Any publisher entering into any contract shall furnish along with the same a sample copy of all books mentioned therein, and said copies shall, in all cases, be identified by a reference to the date of said contract and by the signature of the publisher on the fly-leaf thereof and all books furnished in pursuance of said contract shall in all respects as to text, paper, binding, printing, illustrations, and in all other particulars be the same as the sample book filed with the contract as aforesaid, except such changes as may be agreed upon by the State Board of Education.

g'. And the State Board is hereby authorized, in its discretion, to enter into contracts by which the plates used in printing books may be rented to manufacturers, in order that the same may be used for the purpose of manufacturing books for use in the public free schools of the State.

h'. The State Board of Education is authorized to enter into any contracts pertaining to the distribution of school books, which in the opinion of the board will improve the system of distribution or lessen the cost of books to the patrons of the public schools.

i'. And each of said contracts shall be accompanied by an affidavit that all representations made therein are true, and that the prices and terms named therein were not made in pursuance of any understanding, agreement or combination to control prices of, or restrict competition in, the sale of text-books; and the said affidavit shall also set out, in such detail as may be required by the Superintendent of Public Instruction, the publisher's lowest list prices of the books named in the contract together with the lowest wholesale, retail and exchange prices of the same anywhere in the United States, whether sold to patrons, dealers, school boards or others. And said contracts shall also be accompanied by a bond, with good and sufficient surety in the penal sum of not less than one thousand nor more than twenty thousand dollars, to be approved by the State Board of Education and to be conditioned upon the performance of all the terms and conditions of said contract and the payment of liquidated damages as hereinafter provided for, and any damages in excess thereof which may be proved to have been sustained by reason of the violation of such terms and conditions.

j'. Upon the discovery of any misrepresentation of fact in said contract, or upon the violation of any of the terms or conditions therein contained, the publisher violating shall, upon the demand of the said Board of Education, pay as liquidated damages, the sum of one thousand dollars to the Commonwealth of Virginia to the credit of its literary fund, and in all cases of such violation the said Board of Education may, in its discretion, in addition to its demand for liquidated damages as aforesaid, declare said contract null and void.

k'. The Superintendent of Public Instruction shall take care that all the representations, terms and conditions of said contracts are complied with and shall report all violations of the same to the State Board of Education, and if said board be of the opinion that public interests so require, they shall instruct the Attorney General to institute such legal proceedings as he may deem proper in the premises.

l'. It shall be the duty of all division superintendents of schools school trustees and teachers to notify the Superintendent of Public Instruction promptly of any departure on the part of dealers from the retail prices

of books as fixed by the State Board of Education and of any failure to furnish promptly all books necessary for use in the public free schools.

m'. All votes of the State Board of Education upon questions relating to the adoption of and contracts for text-books for use in the public schools of the Commonwealth, shall be taken in open sessions and shall be recorded.

n'. All acts, or parts of acts, in conflict with this act are hereby repealed. (Acts 1915, page 110)

(10) *Recover money due Literary Fund.*—Any money which ought to be paid into the public treasury to the credit of the literary fund shall (unless other provisions be made therefor) be recoverable, with interest, by the State Board of Education, by motion after fifteen days' notice, or by action in the circuit court of the city of Richmond. The Second Auditor shall institute and prosecute the proceedings after an order for such motion or action shall have been made by the board.

The said board may appoint agents for the collection of its debts or claims, and authorize them to secure payment thereof on such terms as it may approve.

When estate of any person taken under execution, or for sale under any decree or deed of trust, for any such debt or claim, or for any fine, will not sell for the amount thereof, such agent may (under the direction of the board as to the price) purchase such estate for the board. He shall immediately report to it every such purchase and the terms thereof. The board may sell, or appoint an agent to sell, any estate so purchased, who shall sell at such time and on such terms as the board may authorize. It shall take bond from such agent if any money is to come into his hands. Any agent selling land under this section shall, when directed so to do by the board, execute a deed (with the resolution giving such direction thereto annexed) conveying to the purchaser all the interest which the board may have in such land. For the service of any agent under this section, the board may allow compensation, not exceeding in any case five per centum on the money actually paid into the treasury. (Code, Sec. 603)

(11) *Invest capital and unappropriated income of Literary Fund.*—The State Board of Education shall invest the capital and unappropriated income of the literary fund in bonds of this State, or of the United States, or in bonds of railroad companies, secured by first mortgages, whose market value for six months preceding the investment has not been less than ninety cents on the dollar, or in bonds made by one or more of the district school boards of the different school districts in this State, and when such school bonds are purchased on account of the literary fund, a lien in favor of said fund is hereby created against all the funds and income of said district, as well as upon the property upon which said loan is made. The said board may call in any such investment, or any heretofore made, and reinvest the same, as aforesaid, whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in bonds of this State, no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the Second Auditor for safe keeping, who shall return with his annual report a list thereof with a statement of their value. (Code, Sec. 614)

(12) *Audit claims out of Literary Fund.*—The State Board of Education shall audit all claims which are to be paid out of the literary fund, and to allow so much thereof as shall appear to be due, provided, that not more than ten years shall have elapsed when by law such claim might have been presented for payment. For any claims so allowed, certified by the secretary and presiding officer of the board, the Second Auditor shall issue

his warrant on the treasurer, signed by the Second Auditor and attested by one of his clerks. All money belonging to the literary fund shall be received into the treasury on the warrant of the Second Auditor, who shall also be the accountant of said fund. (Acts of 1920, page 61)

(13) *Apportion school funds; determine expenses of State department of education.*—The State Board of Education shall approve or amend the schemes prepared by the Superintendent of Public Instruction for apportioning the money appropriated by the State for public free school purposes among the several counties and cities of the State; determine the necessary contingent expenses of the office of the Superintendent of Public Instruction, including stationery, postage, printing, furniture and other charges, to examine the accounts thereof; and, when approved, to issue warrants on the Second Auditor for the payment of the same, said warrants to be signed by the secretary and the presiding officer of the board. (Code, Sec. 616)

(14) *Keep certificates of West Virginia's share of debt.*—The certificates given for the third of the bonds set apart for West Virginia's portion of the debt held by the literary fund shall be safely deposited and kept by the Board of Education, subject to the provisions of any settlement which may be had between this State and the State of West Virginia, in reference to the public debt of Virginia created prior to the formation of the State of West Virginia. (Code, Sec. 2641)

(15) *Act as custodian for donations to public free schools.*—Be it enacted by the General Assembly of Virginia, That any donations made or to be made to the Board of Education, or to any individual member thereof, for the benefit of any public free school or schools in the Commonwealth, may be paid into the treasury upon the warrant of the Second Auditor, who shall enter the same in a separate account on the books of that office. And such donations shall be paid out in accordance with the wishes of the donor upon the order of the Board of Education upon the Second Auditor as other school funds are now disbursed by said board. (Acts 1918, Chap. 371, page 560)

(16) *Make regulations for distribution of loans from the Literary Fund.*—The State Board of Education, by reasonable rules and regulations, shall provide for an equitable distribution of the funds loaned under this chapter among the several school districts and sections of the State. (Code, Sec. 673)

(17) *Fix fines for neglect of duty by division superintendent; appoint board of directors of State Library.*—The State Board of Education shall punish division superintendents of schools for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay; by suspension from office and pay for a limited period, or by removal from office; appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library (except the law library), and the appointment of a librarian and other employees thereof subject to such rules and regulations as the General Assembly shall prescribe. (Code, Sec. 617)

(18) *Guard against multiplication of schools.*—The State Board of Education shall guard, by regulations against such a multiplication of schools in proportion to the funds provided, as will tend to cause a low grade of instruction in the schools, or in any other way impair their efficiency, but said board shall not make any regulation by which any community is deprived of an existing school where the average attendance is above twenty, without the consent of two-thirds of the patrons of that school. Pupils shall not be transported in vehicles on the public highways for a

greater distance than five miles, except on macadamized roads, where the distance shall not exceed seven, unless the transportation is by a motor vehicle, when it shall not exceed ten. (Code, Sec. 612)

(19) *May establish summer schools.*—Such sums as may be appropriated by law may be used annually by the State Board of Education for the establishment and maintenance of State summer schools for the better equipment of the teachers in the public schools of this State: provided, that not less than eight such summer schools shall be held annually in this State. (Code, Sec. 695)

(20) *Approve plans for summer schools; audit accounts.*—The State Board of Education shall approve or amend the plans of the Superintendent of Public Instruction for the organization and conduct of the summer normal schools, to audit the accounts for the expenses of such schools, and issue warrants for the payment thereof as other warrants are issued by the said board. (Part Code, Sec. 613)

(21) *Decide appeals; order the sense of voters taken.*—The State Board of Education shall decide appeals from the decisions of the Superintendent of Public Instruction, provided, that all the facts and arguments in each case shall be presented in writing, and in such form as the board may prescribe; and order the sense of voters to be taken in counties or districts on all matters which may be properly so referred under the provisions of the school law whenever deemed proper by the board. (Part Code, Sec. 613).

(22) *Make regulations for children attending school in adjoining districts.*—The State Board of Education shall have power and it shall be its duty to make regulations whereby the children of one district may attend school in an adjoining district, out of the county or an adjoining city; provided, that white and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness and efficiency. (Acts 1920, page 59)

The public schools shall be free to all persons between the ages of 7 and 20 residing within the school district. Wherever a school is so situated in one district of a county that it is more convenient and advantageous for the children of an adjoining district to attend, such children may attend in accordance with a plan agreed upon by the school boards of the two districts concerned. In the absence of such agreement, the Board of the district from which the children come shall pay to the board of the district in which the children attend school the actual per capita cost of tuition as ascertained by the school superintendents of the two counties. (State Board Regulation)

Provided that such board may not be liable for the tuition in the elementary grades of any children who live within two miles of a school maintained by the district; and provided, further, that any person interested in either of the districts concerned may appeal to the Superintendent of Public Instruction either as to the attendance of such pupils or as to the cost of education as aforesaid. (State Board Regulation)

(23) *Provide encouragement and maintenance of vocational education.*—The State Board of Education shall investigate and assist in the introduction of industrial, agricultural, household arts and commercial education; aid local school authorities to inaugurate and superintend the establishment and maintenance of schools and departments of schools or other agencies for the aforesaid forms of education; inspect such schools, departments and agencies, and allow to such schools and departments as are approved by said board, the moneys to which such schools and departments may be entitled from time to time out of funds appropriated by the General Assembly for the benefit of such forms of education. (Code, Sec. 618)

(24) *Act as State Board of Vocational Education.*—1. Be it enacted by the General Assembly of Virginia, That the State Board of Education

be, and is hereby, delegated to act as the State Board for Vocational Education, to carry out the purposes of said Federal Act, and to co-operate with the Federal Board for Vocational Education for the purposes of this act. (Acts of 1918, Chap. 73, page 132)

(25) *Make report to General Assembly.*—The State Board of Education shall observe the operations of the public free school system, to regulate such matters as may arise in the practical administration thereof not otherwise provided for, and to suggest to the General Assembly any improvements deemed advisable therein, and for which the said board has no power to provide; make a report to the General Assembly at each regular session, covering the annual report of the Superintendent of Public Instruction giving an account of the operations of the board for two school years immediately preceding the session of the General Assembly. (Code, Sec. 619)

(26) *Fix standards for high schools.*

The State Board shall accredit as standard high schools certain high schools in the State which meet the requirements set up by said Board, and shall further accredit as junior high schools or intermediate schools those institutions which meet the requirement standards. (For minimum requirements, see High Schools, page). (State Board Regulation)

(27) *Register State institutions of higher learning.*

The State Board of Education shall register State institutions of higher learning in accordance with standard requirements fixed by said Board. Private institutions may be registered on formal invitation to the State Board of Education to have an inspection made and a proper rating fixed. (State Board Regulation)

a'. The following are the minimum requirements of the standard college:

The Standard American College is a college with a four-year curriculum with a tendency to differentiate its parts in such a way that the first two years are a continuation of, and a supplement to, the work of the necessary instruction as given in the high school, while the last two years are shaped more or less distinctly in the direction of special, professional, or university instruction.

1. Entrance Requirements.—Entrance requirements must be not less than fourteen standard high school units, covering four years of high school work in an accredited high school or its equivalent.

2. Required for Graduation.—The completion of college work amounting to not less than fifteen sixty-minute class periods per week through four sessions of at least thirty-six weeks each, that is, sixty session hours or one hundred twenty semester hours.

3. Number of Degrees.—The conferring of a multiplicity of degrees is discouraged. Small institutions should confine themselves to one or two. When more than one baccalaureate degree is offered all should be equal in requirements for admission and for graduation. Institutions of limited resources should confine themselves to undergraduate work.

4. Number of College Departments.—The college should maintain at least eight separate departments in liberal arts and science with not less than one professor devoting his whole time to each department.

5. Training of the Faculty.—The minimum scholastic requirements of seventy-five per cent. of the teachers of classes in the standard college shall be graduation from a standard college, and, in addition, graduate work in a university of recognized standing amounting to at least one year, and the professional requirements of the remaining twenty-five per cent. of the faculty shall be equivalent to the above standard.

6. Salaries.—The average salary paid to members of the faculty is an important consideration in determining the standing of an institution. The minimum salary of a full professor must be not less than \$1,500.

7. Number of Class-room Hours Per Teacher.—Not more than eighteen hours per week shall be required of any teacher, fifteen being recommended as the maximum.

8. Number of Students in Classes.—The number of students in a recitation or laboratory section should be limited to thirty. A smaller number is desirable.

9. **Support.**—In addition to income from tuition fees, room rent, boarding halls, etc., the college should have a productive endowment of \$200,000 or the equivalent in assured income.

10. **Library.**—The library should contain, exclusive of public documents and periodicals, at least 7,000 volumes bearing specifically upon the subjects taught, and should have an appropriation of not less than \$500.00 a year for permanent additions.

11. **Laboratories.**—The laboratory equipment should be sufficient for all of the experiments called for by the courses offered in the sciences—sufficiency to be measured by the value of apparatus and equipment—which should be in Chemistry not less than \$2,500, in Physics not less than \$3,500, and in Biology, not less than \$2,000, for the courses usually offered in these subjects in the average standard college.

12. **Separation of College and Academy.**—The college may not maintain a preparatory school or a sub-collegiate department as part of its college organization. In case such a school is maintained under the college charter, it must be kept rigidly distinct and separate from the college in students, faculty, and buildings.

13. **Proportion of Regular College Students to the Whole Student Body.**—At least seventy-five per cent. of the students in a college should be pursuing courses leading to baccalaureate degrees in arts and science. The classification of students must be printed in the catalogue.

14. **General Statement Concerning Material Equipment.**—The location and construction of the buildings, the lighting, heating, and ventilation of the rooms, the nature of the laboratories, corridors, closets, water supply, school furniture, apparatus, and method of cleaning shall be such as to insure hygienic condition for both students and teachers.

15. **General Statement Concerning Curriculum and Spirit of Administration.**—The character of the curriculum, the efficiency of instruction, the scientific spirit, the standard for regular degrees, the conservatism in granting honorary degrees, and the tone of the institution shall also be factors in determining its standing.

16. **Standing in the Educational World.**—The institution must be able to prepare its students to enter recognized schools as candidates for advanced degrees.

b'. The following are the minimum requirements for a junior college:

A Standard Junior College is an institution with a curriculum covering two years of collegiate work (at least thirty session hours, or the equivalent in semester, or term, or quarter credits), which is based upon an accredited four-year high school. A session hour is defined as one sixty-minute period of class-room work in lecture or recitation for a period of thirty-six weeks, two periods of laboratory work being counted as the equivalent of one hour of lecture or recitation.

1. **Entrance Requirement.**—The junior college shall require for registration as a junior college student the completion by the student of at least fourteen units of standard high school work, covering four years of secondary work in an accredited high school or its equivalent.

2. **Training of the Faculty.**—The minimum scholastic requirements of seventy-five per cent. of the teachers of classes in the junior college shall be graduation from a standard college, and, in addition, graduate work in a university of recognized standing amounting to one year, and the professional requirements of the remaining twenty-five per cent. of the faculty shall be equivalent to the above standard.

3. **Organization on College Basis.**—The work of the junior college must be organized on a collegiate as distinguished from a high school basis. College methods and college texts must be used. It shall confer no degree.

4. **Number of Junior College Departments.**—The college should maintain at least five departments with a specialist at the head of each.

5. **Separation of Junior College and High School.**—All of the work of a student must be of Junior College grade before he may be classified as a Junior College student. Students registered in high school classes or classes conducted on high school levels may not receive junior college credit. Students registered in a junior college class in which there are enrolled high school students shall not be given full junior college credit for such work, and in no case shall the credit thus given exceed two-thirds of the usual college credit.

6. **Number of Class-room Hours per Teacher.**—The teaching schedule of instructors teaching junior college classes shall be limited to twenty hours per week for instructors devoting their whole time to junior college classes, eighteen hours shall be a maximum.

7. **Number of Students in Classes.**—The limit of the number of students in a recitation or laboratory class in a junior college should not be more than thirty.

8. **Number of Students Necessary for Accrediting.**—No junior college will be accredited unless it has a registration of twenty students with their entire courses in the college department.

9. **Library and Laboratories.**—The junior college shall have library and laboratory facilities sufficient to carry on its work in the same manner as it would be carried on in the first two years of an accredited standard college.

10. **High School Department Must Be Accredited.**—No junior college will be accredited by the State Board of Education, when maintained in connection with a high school or secondary school, unless such school is also accredited by the State Board of Education.

11. **General Statement Concerning Material Equipment.**—The location and construction of the building, the lighting, heating and ventilation of the rooms, the nature of the laboratories, corridors, closets, water supply, school furniture, apparatus, and methods of cleaning shall be such as to insure hygienic conditions for both students and teachers. (State Board Regulation)

(28) *Supervise Virginia Normal and Industrial Institute Board:*

a'. The institute and board of visitors shall be under the supervision and control of the State Board of Education; and no action of said board of visitors shall be valid if disapproved by the State Board of Education. (Code, Sec. 968)

b'. The State Board of Education, during the recess of the General Assembly may, for good cause, after reasonable notice, remove any member of the board of visitors, subject to the approval of the Senate. The grounds of removal shall, in every case, be spread upon the record of their proceeding. (Code, Sec. 963)

4. Superintendent of Public Instruction.

a. **Election and term.**—There shall be elected by the qualified voters of the State, on the Tuesday after the first Monday in November, nineteen hundred and twenty-one, and every four years thereafter, a Superintendent of Public Instruction, who shall be an experienced educator, and whose term of office shall commence on the first of February following his election.

b. **Salary.**—His salary shall be fixed by the General Assembly, and he shall be allowed, in addition to his salary, for his necessary traveling expenses while engaged in the duties of his office, such sum as may be appropriated by law.

c. **Vacancy.**—Any vacancy occurring in the office shall be filled for the unexpired term by the State Board of Education.

d. **Qualification.**—Before entering upon the discharge of the duties of the office he shall qualify by taking and subscribing the oath required of all officers of the State. (Code, Sec. 621)

e. **Bond.**—The penalties of the bonds shall be as follows: Of the Superintendent of Public Instruction, ten thousand dollars; of each of his clerks, two thousand dollars. The cost thereof shall be paid by the Commonwealth. (Part of Sec. 325, Code 1920)

f. **Duties:**

(1) He shall be ex-officio president of the State Board of Education, by which his duties shall be prescribed. (Code, Sec. 623)

(2) The Superintendent of Public Instruction shall be an ex-officio member of all the educational governing boards of all institutions receiving appropriations from the State, of whatever kind or class. (Code, Sec. 622)

g. **Approve plans and specifications for school buildings on which loans are made from Literary Fund.**—Upon the approval of the Superintendent of Public Instruction of the plans and specifications for the location of the proposed building, and of the making of the loan, the State Board of Education may, in its discretion make such loan; but no such

loan shall exceed the sum of twenty-five thousand dollars, nor shall it exceed two-thirds of the cost of the school house, and any addition thereto, and no loan shall be made to aid in the erection of a building or addition to cost less than two hundred and fifty dollars. Whenever such loans are made for the purpose of enlarging a school house, any part of the proceeds of such loans may, in the discretion of the State Board, be used to retire any previous loans on such school house, although such previous loans may not have matured. (Code, Sec. 759)

h. Transmit to Auditor of Public Accounts and division superintendents a distributive statement of State funds.—The Auditor of Public Accounts, on or before the first day of November of each year, shall make a calculation of the gross amount of all funds applicable to public free school purposes for the ensuing year, which calculation shall be based upon the State taxes assessed for school purposes upon persons, real estate, and tangible personal property, and the property of public service corporations other than the rolling stock of corporations operating railroads by steam; and the Auditor of Public Accounts shall include in said calculation ten cents on every one hundred dollars of the assessed value of the rolling stock of corporations operating railroads by steam and a like amount on every one hundred dollars of the assessed value of the intangible personal property, and so far as said calculation shall be based upon the land and property books of the several commissioners of the revenue for said year, he shall base his calculations upon the commissioners' books of the next preceding year when said books have not been received in time. From the aggregate thus ascertained the Auditor shall deduct as an allowance for delinquents ten per centum of the State tax for public free school purposes upon persons and real estate and upon tangible and intangible personal property; provided, however, that no deduction shall be made for delinquents upon the property of public service corporations, including the rolling stock of corporations operating railroads by steam, or upon shares of bank stock, and shall report to the Superintendent of Public Instruction not later than the first day in November of each year the net amount of all funds found to be applicable to public free school purposes for the current year after making the deductions herein provided for as an approximate basis for distribution; whereupon, under the direction of the Superintendent of Public Instruction, there shall be furnished to the Auditor a distributive statement of the amounts due the several counties and cities in the State upon this approximate basis.

Upon receipt of such statement the Auditor shall issue his warrant upon the Treasurer of the State for one-half of the amount each city or county is entitled to receive, payable to the treasurer of such city or county; and on the first day of February following, the Auditor shall issue his warrant upon the Treasurer of the State, for the other half of the amount each city or county is entitled to receive, payable to the treasurer of such city or county. (Code, Sec. 746)

i. State Board Regulations:

The Superintendent of Public Instruction shall be the chief executive of the public school system, and shall have the following duties:

(1) He shall take care that the school laws and regulations are faithfully executed. He shall determine the true intent and meaning of such laws and regulations, and explain to division superintendents and other school officers the duties imposed upon them by law. His decision shall be final unless and until reversed by the State Board of Education.

(2) He shall prepare or have prepared suitable registers, blanks and other forms which may be necessary for making appropriate reports to the Department of Education. By circulars and otherwise he shall give information and instruction conducive to the proper organization and conducting of the schools.

(3) He shall require of division superintendents detailed reports annually and special reports from time to time as he may deem proper.

(4) It shall be his duty as often as may be consistent with his other official engagements to make tours of inspection among the public free schools of the State. He shall use all proper means to promote an appreciation of education among the people.

(5) He shall decide appeals from the decision of a division superintendent when such appeals are made as prescribed by law; he may, however, refer to the State Board of Education such appeals and the decision of this Board shall be final.

(6) Copies of his decision and of the decision of the Board as well as all official papers shall be kept on file in the Department of Education, and shall be open to the inspection of persons concerned.

(7) He shall preserve in convenient form in his office all papers, documents and records relating to educational work in Virginia and in other States.

(8) He shall prepare, as prescribed by law, a scheme for apportioning the money appropriated by the State for public school purposes.

(9) He shall provide for his office a suitable official seal with which official documents may be authenticated.

(10) He shall finally submit to the State Board of Education on or before the first day of November a detailed report of his official proceedings for the year ending the thirtieth day of June preceding, exhibiting a plain statistical account of receipts and expenditures for the public schools, and of their condition and progress, showing the number of children, male and female, white and colored, respectively, in the State and in each county, city, and school district, between the ages of 7 and 20, the average and total number at school during the year, wages paid teachers, the cost of education per pupil, and whatever else may tend to exhibit the real condition of the schools; he shall be at liberty, and it shall be his duty to offer suggestions to the State Board of Education, and to the General Assembly concerning matters pertaining to his department at any time that the public interest seems to him to require it.

(11) Enforce collection of fines due Literary Fund.—The Superintendent of Public Instruction, by and with the advice of the Attorney General is authorized to take such steps and employ such attorneys and agents for the collection of fines due the Commonwealth for the benefit of the literary fund as may be deemed necessary, the said attorneys and agents to be paid for their services out of actual collections made in each individual case such compensation as may be agreed on in writing; provided, that no such attorney or agent shall be employed to enforce the collection of any fine which has been imposed during the term of office of any attorney for the Commonwealth now in office in the State. When such collections are made, the net amounts thereof shall be turned into the treasury of the State to the credit of the literary fund as provided by law, and the Superintendent of Public Instruction, by and with the advice and co-operation of the Attorney General, is authorized to make such compromise, settlement and adjustment of said fines as may be deemed right and proper and for the best interests of the school funds of the State. (State Board Regulation)

5. Division Superintendents.

a. Appointment.—Within thirty days before April first, nineteen hundred and twenty-one, and every four years thereafter, the State Board of Education shall, subject to the confirmation of the Senate, appoint one division superintendent of schools for each school division that the State Board may, in its discretion, establish according to law, provided that no federal officer, except a fourth-class postmaster, no supervisor, or county or State officer, except a notary public, or any deputy of said officers shall be chosen or allowed to act as division superintendent of schools. In the event that the State Board of Education fails to elect a division superintendent for each division on or before April first of the year in which said election is due to take place, the division superintendent of schools then in office for each division in which the board fails to elect according to law shall be declared elected for the succeeding four years from July first of said year, provided he is an applicant. In the event the board

fails to make in the time specified an election in any school division where the former superintendent is not an applicant, because of a deadlock, the board is instructed to determine the same by lot.

b. Educational qualification.—The board shall not consider for division superintendent of schools any man who does not hold, or has not held a State teacher's license the equivalent of a first grade certificate, or who has not already held the office of division superintendent, or who has not been a teacher for such number of years as the board may designate, and in order that an applicant for the position of division superintendent may know what qualifications are required of him, the State Board of Education is hereby required to publish on the first day of February of the year in which said election is to take place, a statement showing the minimum qualifications for the position of division superintendent of schools, which statement shall be furnished to all applicants on request. (Code, Sec. 624)

The following minimum qualifications for the position of division superintendent of schools are hereby prescribed:

The applicant shall meet the qualifications as set forth in one of the following sub-sections numbered from one to four.

(1) The applicant must show that he holds or has held a teacher's license at least the equivalent of a first-grade certificate, and must also show that he has had at least three years' experience as a teacher or school supervisor or principal within the ten years immediately preceding the commencement of the term of office for which he applies; or

(2) The applicant must show that he has successfully completed at least two years of college work within ten years immediately preceding the commencement of the term of office for which he applies in a recognized college or normal school, and that the course which he has completed embraced at least three hours of education per week throughout each session; or

(3) The applicant must show that he is a full graduate of a standard college, the degree having been conferred within ten years immediately preceding the commencement of the term of office for which he applies; or

(4) The applicant must show that he has served as division superintendent of schools in this State; provided that in case the applicant is not filling the office of division superintendent at the date of his application, he must meet the requirements as laid down in sections one, two, or three of this regulation.

The board may, in its discretion, waive that part of the qualifications set out in sub-section No. 1, requiring the applicants to hold, or to have held, a teacher's license equal to a first-grade certificate, whenever the board shall be of the opinion that the applicant has such training and experience as would entitle him to hold at least a certificate of this grade. (State Board Regulation)

c. Term of office.—The term of office of the said division superintendent shall be four years from the first day of July following his appointment.

The office of any division superintendent shall be deemed vacant upon the refusal of the Senate to confirm his nomination, his removal from the division for which he was appointed, his engaging in any other business or employment during his term of office as such superintendent, unless such superintendent shall have been accepted under the provisions of section six hundred and four, his resignation or his removal from office by the State Board of Education. Every division superintendent, before entering upon the discharge of the duties of his office, shall take and subscribe the oath prescribed for all officers of the State, which oath shall be made and subscribed before a circuit or corporation court having jurisdiction in his division, or before the judge or clerk thereof in vacation. As soon as the oath shall have been taken, subscribed and certified, a minute of the fact shall be entered in the records of said court and a certificate of the clerk setting forth the qualification and its record shall be furnished the Superintendent of Public Instruction for record in his office. (Code, Sec. 625)

d. Salary:

(1) The State Board of Education shall divide the State into appropriate school divisions in the discretion of said board, comprising not less than one county or city each, but no county or city shall be divided in the formation of such division, and shall appoint for each division one division superintendent of schools. The division superintendent shall receive a minimum salary of sixteen hundred dollars per year, provided he is employed for his full time in a school division with a school population of not less than three thousand. In each division with a school population of less than three thousand, however, the minimum salary shall be one thousand dollars per year or in the discretion of the State Board of Education for part time employment seven hundred and fifty dollars. In small town or city divisions the superintendent may, by permission of the State Board of Education act as school principal or undertake other related school work in which case his salary as superintendent shall not exceed one-half of the established minimum of sixteen hundred dollars per year. In school divisions with a school population of over three thousand the division superintendent shall receive in addition to the minimum of sixteen hundred dollars ten dollars per hundred for each hundred of school population above three thousand, allowing in each computation numbers in excess of fifty to count as the next higher even hundred; provided, however, in any county or city in which all of the public free schools are not run as long as six months in each year, the salary of such division superintendent shall not be more than twenty per centum greater than that received prior to the passage of this act. One-half of the salary thus determined shall be paid by the State Board of Education in monthly instalments out of State funds on the warrants of the State Board of Education drawn upon the Second Auditor and the other half shall be paid by the city or town council or county board of supervisors out of the general fund of the city, town or county. The local school board may, out of the local school fund supplement the salary above prescribed and provide for the traveling and office expenses of the superintendent, provided the specific amounts and the purposes for which such amounts are designated be reported to and approved by the State Board of Education, provided that school boards of those divisions in which the salary of the division superintendent may be reduced by the scale herein provided, shall out of the local school funds pay such supplement as is necessary to provide for the year beginning July first, nineteen hundred and twenty, a salary at least equal to the salary paid for the year ending June thirtieth, nineteen hundred and twenty. The State Board of Education shall, in accordance with the provisions of this act, fix the salaries of the division superintendents for the year beginning July first, nineteen hundred and twenty, and for each year thereafter based upon the school population as shown in the census of nineteen hundred and twenty, and in the census of each succeeding five-year period.

Sections six hundred and four, six hundred and five and six hundred and six of the Code of Virginia are hereby repealed. (Acts 1920, page 494)

(2) *Salaries of division superintendents paid out of bulk of State funds as distinguished from appropriations.*—The salaries of division superintendents of schools, so far as payable by the State, shall be paid out of the bulk of the State school funds as distinguished from the appropriations from the same to the several counties. (Code, Sec. 627)

e. Duties:

(1) *Clerk School Trustee Electoral Board.*—The division superintendent shall be clerk, and the board shall elect one of its members chairman. (Code, Sec. 630)

(2) *Keep record of Trustee Electoral Board.*—It shall be the duty of the clerk of the board to record all proceedings in a bound volume, which record book, together with such stationery and postage as may be required for correspondence with trustees, shall be paid for out of the county school fund on the warrant of the said board: provided, the cost of the same shall not exceed five dollars in any one year. The clerk shall furnish the Superintendent of Public Instruction with a list of the school trustees of each district of the county, their postoffices and date of appointment, and such other information as may be called for. He shall promptly notify the board when unexpected vacancies occur, and shall also notify the same thirty days in advance of the expiration of regular terms of office, so that the district boards may be kept full and no members left to hold over unnecessarily. He shall promptly notify all trustees of their appointment, and also forward to the same blank copies of the official oath, to be furnished by the Superintendent of Public Instruction. (Code, Sec 634)

(3) *Ex-officio president of County School Board.*—The division superintendent of schools shall be ex-officio president of the county school board, and it shall be the duty of the said board, at its first meeting, and on the occurrence of a vacancy afterwards, to elect one of its members vice-president. (Code, Sec. 640)

(4) *Prepare and forward State Superintendent Annual Report of County School Board.*—The board shall make an annual report to the Superintendent of Public Instruction, through the division superintendent of schools, on or before the first day of September of each year, which shall give in detail its official acts for the year closing the thirtieth day of June preceding. (Code, Sec. 644)

(5) *Amend census when district boundaries are changed.*—Whenever the boundaries of any school district or districts are changed, it shall be the duty of the division superintendent of schools to cause a census to be taken by some person selected by him of the school children of the territory or territories concerned, which census shall show which of the children on the census books of the preceding regular census of school children, made under the provisions of section six hundred and fifty-three, both white and colored, have been transferred, naming the districts, respectively, from which they come and to which they are transferred, and when said census is certified as required by section six hundred and fifty-three, it shall be the duty of the division superintendent to amend the last census of the division in accordance with said report and thereafter to apportion the school funds amongst the school districts of the division in accordance with the said amended census. The census herein required shall, except as herein provided, be taken in accordance with the provisions of said section six hundred and fifty-three, and the cost thereof shall be borne by the school districts to which territory is annexed, in proportion to their respective increases of school population. (Code, Sec. 655)

(6) *Grant appeals from action of district boards.*—Any five interested heads of families, residents of the district, who may feel themselves aggrieved by the action of any district school board, may, within thirty days after such action, state their complaint in writing to the division superintendent of schools, who, if he cannot within ten days after the receipt of the said complaint satisfactorily adjust the same, shall grant an appeal to the school trustee electoral board, which shall meet in the district where such complaint originated, and shall summon witnesses and decide finally all questions at issue. Any action taken or had by this board shall be recorded in its minutes and also in the record book of the district board whose action is reviewed. (Code, Sec. 666)

(7) *Approve site, location, plans, and specifications of school buildings.*—No school house shall be contracted for or erected until the site, location, plans and specifications therefor shall have been submitted to and approved in writing by the division superintendent of schools, whose action in each case shall be reported by him to the State Board of Education; and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same and immediately to give notice thereof in writing to the chairman of the district school board, and thenceforth no public school shall be held therein, nor shall any part of the State or county fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the district school board that he is satisfied with the condition of such building and with the appliances pertaining thereto. (Code, Sec. 673)

(8) *Deliver records to successor.*—All school officers going out of office shall deliver to their successors the records and all official papers belonging to the office. In case of the refusal or failure of any officer to do so, on demand by his successor, he shall forfeit not less than twenty-five nor more than one hundred dollars therefor, and a like penalty for each month during which he shall persist in withholding the same. (Code, Sec. 685)

(9) *Approve teachers' certificates.*—Every teacher of a public free school shall hold a certificate in full force, issued or approved by the division superintendent prior to July first, nineteen hundred and six, or after that date by the State board of examiners and inspectors or otherwise as the State Board of Education may prescribe, said certificate to be approved by the superintendent of schools for the division within which such teacher is to be employed unless for good cause shown such certificate be revoked. (Code, Sec. 688)

(10) *Report delinquent officers.*—Should any county treasurer or clerk of any district school board fail to produce and lay before the county board his books and papers as required by the preceding section, it shall be the duty of the clerk of the county board to enter upon the minutes of that meeting a fine of twenty-five dollars against every such delinquent treasurer or clerk, which amount shall be deducted from the pay or percentage of such officer.

It shall be the duty of the division superintendent, before sending his annual report to the Superintendent of Public Instruction to examine the books and papers of every such delinquent officer, and to make a special report thereon in connection with his annual report. The county board shall have power to remit the said fine only on the presentation of good and sufficient reasons for so doing, and the resolution remitting said fine shall not be effective unless and until the same shall have been approved by the State Board of Education. (Code, Sec. 729)

(11) *See that statement of annual settlement of county school board is published.*—(See County School Board, Section i (7), page 33). (Code Sec. 750)

(12) *Nominate students to William and Mary College.*—Each county and city in the State shall be entitled to one pupil, who shall be nominated by the division superintendent of schools, and if any vacancy occurs it shall be filled from the State at large by the board of visitors, and each county and city in the State shall also be entitled to one additional pupil for each additional representative in the House of Delegates above one, to

be appointed in a similar manner. The said pupils so appointed shall be exempt from tuition fees, and the charge for their board, washing, lights, and fuel shall not exceed the sum of twelve dollars per month. (Code, Sec. 938)

(13) *Apportion funds to districts situated in two counties.*—(See County School Board, Section 4, page 32).

(14) *File statement showing length of term, etc.*—No State money shall be paid for the public free schools in any county or district until evidence is filed with the State Board of Education, signed by the superintendent of schools and the clerk of the county board, certifying that the schools of said county or district have been kept in operation on an average for at least seven months, or twenty days longer than the previous year, or a less period satisfactory to the State Board of Education, or that arrangements have been made which will secure the keeping of them in operation for that length of time, provided, that whenever the State and local funds shall justify a term of nine months shall be maintained, it being the purpose of this act to establish, where conditions permit, a standard nine months' school term; provided, however, that no county shall be denied participation in State school funds as provided by law when said county has levied the maximum local school tax allowed by law. (Acts 1920, page 69, Amending Code, Sec. 669)

(15) *Number and name school districts.*—School districts in each county shall be numbered or named by the division superintendent of schools thereof, and the name or number and boundaries thereof shall be recorded in the office of the clerk of the circuit court, and shall be reported to the Superintendent of Public Instruction and be filed in his office. (Code, Sec. 667)

(16) *Prescribe regulations for teachers' meetings.*—(See District School Boards Section 22, page 41).

(17) *Require statement of treasurer when that officer fails to pay school warrants.*—It shall be the duty of the superintendent of schools of any county or city of this Commonwealth whose treasurer fails to pay, upon presentation, any warrant drawn on him for school purposes to require such treasurer to furnish to the said superintendent within thirty days thereafter a statement under oath of all moneys in his hands or collected by him for school purposes, whether they be State, county, city, or district funds, and the amount of each of said funds he may have disbursed. (Code, Sec. 731)

(18) *Report boundaries of districts to service corporations, etc.*—It shall be the duty of the clerk of the State Corporation Commission to furnish to the council of every city and town and to the board of supervisors of every county, and to the treasurer of every county and city, wherein any property belonging to such corporation is situated, a certified copy of the assessment made by the State Corporation Commission of such corporation's property, which shall definitely show the character of the property, its value and location for the purpose of taxation in each county, city, town and school district, so that county, city, town and school district levies may be laid upon the same; provided, however, that it shall be the duty of the division superintendent of schools in each county in which a railway or canal is located and operated to furnish, on or before the first day of July in each year, to such railway or canal corporations, the boundaries of each school district of said county in which any part of such railway or canal and its property is situated, and a copy of such boundaries to the clerk of the State Corporation Commission. (Code appendix, Sec. 27, page 28)

(19) *Penalty for failure to report boundaries of districts.*—Wherever any division superintendent of schools shall fail to furnish to such railway or canal corporation or corporations, and the clerk of the State Corporation Commission, the boundaries of each school district of said county in which any part of such railway or canal and its property is situated, it shall be the duty of the clerk of the State Corporation Commission to notify the judge of the circuit court of the county wherein such superintendent of school resides, who shall instruct the grand jury at the next term of the circuit court to ascertain whether such boundaries have been furnished as required in this act, and should said grand jury ascertain that such boundaries have not been furnished, they shall find an indictment against each such division superintendent of schools, who shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each school district so omitted (Code appendix, Sec. 27, page 28)

(20) *Call meetings of county school board.*—It shall be the duty of the president to call meetings of the board whenever, in his judgment, such meetings are needed, and also when requested to do so by two chairmen of the district boards of the county. (Code, Sec. 641)

(21) *Regulations State Board of Education:*

a'. It shall be the duty of each division superintendent to observe such directions and regulations as the Superintendent of Public Instruction or the State Board of Education may from time to time prescribe; to make special reports to the State Superintendent whenever required; and on or before the first day of September annually to make to him a report for the year ending the 30th day of June preceding, in such form and containing all such particulars as shall be prescribed; and to supplement this report by an advisory report showing the school conditions in his division, and make such suggestions as the best interests of the school may dictate. Until such annual report shall have been received in the office of the Superintendent of Public Instruction, the division superintendent shall not draw his August or subsequent installments of pay from the State treasury. For each day's delay in the annual report after September 1st, the division superintendent shall be liable to a fine of not exceeding two dollars, to be deducted from his salary, and the same shall be imposed by the State Board of Education after notice to the party concerned.

b'. It shall be the duty of the division superintendent to inspect the accounts of the district clerks from time to time during the year and see that such accounts are neatly and correctly kept and see that all school funds are properly applied.

c'. Superintendents shall require county treasurers to report to them on or before the tenth day of December of each year, and thereafter at intervals of three months, until their final settlement at the close of the fiscal year, the amount of State school money received; the number and amount of warrants on the State school fund presented for payment; the number and amount paid by the treasurer; the balance of State funds on hand and to what districts due; the amount of county school funds received and apportioned to the districts by the superintendent for payment; the number and amount of warrants on the county fund presented for payment; the number and amount paid by the treasurer; the balance of county funds on hand and to what districts due; the amount of district taxes collected for the respective districts, with the number and amount of the warrants on the several districts presented and paid, and the balance due the districts; also the amount of county school tax collected, which has not been apportioned to the several districts by the superintendent.

d'. The Secretary of the State Board of Education shall, from time to time report to the board the names of all superintendents upon whom fines may be imposed for failure to comply with the requirements or regulations, and shall promptly notify said superintendents of his action.

e'. It shall be the duty of superintendents to assist in the organization of boards of district school trustees with the privilege of being present at all meetings of such boards and of participating in the discussion of questions therein, but not of voting.

f. Superintendents shall require from clerks of boards of district school trustees annually, and oftener if necessary such detailed reports of the statistics touching the public free schools of their respective districts as the said superintendent shall prescribe.

g. In all cases not otherwise provided for, an appeal may within ninety days be taken to the division superintendent concerning the acts of any person connected with the school system or the action of any school board within his bounds, by any teacher or school officer, or by five or more interested heads of families who may feel themselves aggrieved, and from the division superintendent of schools to the Superintendent of Public Instruction, who, if he cannot satisfactorily adjust the same, shall, in his discretion, grant an appeal to the State Board of Education, and that board shall finally decide all questions at issue.

h. The application for such appeal, and all evidence in support of or in opposition thereto shall be in writing; provided, that the State Board of Education may, in its discretion, after an appeal is granted to such board, hear oral testimony upon any issue presented by the appeal. But in all cases of appeal to the Superintendent of Public Instruction all evidence must be reduced to writing.

i. Every superintendent shall administer oaths and take testimony in all matters relating to public schools, whenever required, in cases pending or to come before himself or before the Superintendent of Public Instruction, or before the State Board of Education; and he shall also administer the oath of office to school trustees when called upon to do so.

j. Each superintendent shall prepare annually, and at such other times as may be necessary, under directions from the county school board, a scheme for apportioning the State and county school funds among the school districts within each county under his supervision; a copy of which scheme shall be furnished to the county treasurer and to the clerk of each school district, and also to the editor of each newspaper published within the county.

k. In the records required to be kept, superintendents shall enter in full the scheme of each apportionment of State and county school funds made to the several districts of their respective counties, showing the amount and date of said apportionments.

l. Superintendents shall report to the Superintendent of Public Instruction the names of convenient places in their respective divisions for the sale of the text-books selected by the State Board of Education and see that adequate supplies of the books are brought within easy reach of the pupils and sold at the prices fixed by the board. They shall promptly notify the Superintendent of Public Instruction of any departure from such prices or any failure to furnish promptly all books necessary for the use of the schools in their respective divisions.

m. Superintendents shall distribute promptly all reports, forms, laws, and regulations which may be received from the Superintendent of Public Instruction, and in accordance with his directions.

n. Superintendents shall explain the school system and give information about it on all suitable occasions, and shall take care that all school laws and regulations are strictly enforced and that the decisions of the Superintendent of Public Instruction, and of the State Board of Education, upon controversies relating to the school laws of the State or to the regulations prescribed by the State Board of Education, are complied with, by the persons concerned. In case such decisions are not complied with, the division superintendent shall inform the Superintendent of Public Instruction thereof, and state the circumstances connected therewith.

o. Should any division superintendent of schools fail to furnish by the time prescribed by the Department of Public Instruction such information as may from time to time be called for by said department, by letter, circular, or otherwise, he shall be liable to a fine of one dollar for every day's delay, to be deducted from the salary of such superintendent; provided, the whole amount of such fine shall not exceed one month's salary of such superintendent and the same shall be imposed by the State Board of Education after notice to the party concerned.

p. It shall be the duty of the division superintendent to visit and inspect each school in his division in order that he may keep closely in touch with the condition of such schools. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, use of text books, and shall give particular attention to the condition of the school houses and their sanitary provisions.

q'. The division superintendent shall see to it that teachers discharge faithfully duties assigned to them, and any neglect or violation on the part of teachers of any of the laws or regulations shall be promptly reported to the School Board with recommendations for appropriate action.

r'. The superintendent shall have authority to take lawful measures to abate nuisances or to condemn school houses which are not fit and sanitary, and which for any reason are likely to endanger the health of pupils.

s'. It shall be the duty of superintendents to promote the improvement and efficiency of teachers by all suitable and proper methods, under directions from the Superintendent of Public Instruction; and to this end they shall encourage and assist in the organization and management of county institutes, of which at least one shall be held during each school session, and they shall labor in every practicable way to elevate the standard of teaching in the public schools and improve their condition. It shall be the duty of the superintendents to preside over these county institutes. They shall also endeavor by all proper means to promote an appreciation and desire for education among the people.

t'. The superintendents shall require the principal of each school in his division to have a patrons' day, to be held on the school premises during the school term. On this day all patrons shall be invited and suitably entertained by school exercises. Advantage shall be taken of this day to give the patrons full information of the conditions and needs of the schools.

u'. Every superintendent shall keep a record of his own official acts, and shall file methodically all official papers.

v. In case of a vacancy in the office of a division superintendent occurring when the State Board of Education is not in session the Superintendent of Public Instruction is authorized to designate an acting superintendent until a regular appointment is made by the State Board.

w'. The division superintendent in cities shall have exclusive authority to assign to their respective positions all teachers and principals employed by the school board, and to reassign them at his discretion: provided, that no change or reassignment shall affect the salary of any teacher.

6. School Trustee Electoral Board.

a. Of whom composed; and compensation.—In each county there shall be a board, to be known as the school trustee electoral board, which shall be composed of the attorney for the Commonwealth, the division superintendent of schools, and a resident qualified voter, who is not a county or State officer, to be appointed by the judge of the circuit court on or within thirty days after the first day of February, nineteen hundred and twenty, and every four years thereafter. This resident qualified voter shall receive a per diem of two dollars for each day actually employed, to be paid out of the county school fund; but when acting as a member of the board of appeal according to the provisions of section six hundred and sixty-six, he shall receive two dollars per day, to be paid out of the district fund of the district in which the service is rendered. The said appointee shall qualify before the clerk of the said circuit court, and shall serve for a term of four years from the first day of March, nineteen hundred and twenty. Any vacancy occurring within the term of the said appointee shall be filled by the said circuit judge within thirty days thereafter. (Code, Sec. 629)

b. Meetings.—Any member may call a meeting by giving due notice to the other two members. Any two members shall constitute a quorum; a concurrence of a majority of the board in a duly assembled meeting shall be required to constitute a valid act. (Code, Sec. 633)

c. Duties

(1) *Appoint school trustees.*—The school trustees in office when this Code takes effect shall continue in office until their respective terms expire, and thirty days before the first day of September of each year, the

school trustee electoral board shall appoint one trustee for each school district to fill the vacancy then occurring. The term of office of such trustee so appointed shall be three years from September first following his appointment.

No person who is unable to read and write shall be appointed a trustee. (Code, Sec. 631)

(2) *Fill vacancies; determine appeals.*—The school trustee electoral board shall fill vacancies occurring within a regular term for the unexpired part thereof and shall have power, and it shall be its duty, to declare vacant and proceed to fill the office of any trustee who fails to qualify and to deliver to the clerk of his board his official oath in the usual form within thirty days after he has been notified by said clerk of his appointment. The board shall also vacate the office of any and every trustee who fails to discharge the duties of his office according to law. In the investigation of any such alleged failure, or in hearing any case of appeal referred to it under this chapter, the electoral board shall have power to issue summonses and rules to witnesses to appear before it, and to require to be produced before it any official records, papers, or books pertaining to the case, and for failure to obey such summons or order the board may impose a fine not exceeding ten dollars for each offense. The chairman of the board shall have power to administer an oath to any witness appearing before it. The said board is hereby constituted a permanent board of appeal to hear and determine all complaints that may be referred to it under the provisions of section six hundred and sixty-six. (Code, Sec. 632)

(3) *Hear appeals when presented by Division Superintendent.*—(See Division Superintendents, Sec. e (6), page 24).

(4) *Officers.*—(See Division Superintendents, Sec. e (1), page 23).

(5) *Duties of Clerk.*—(See Division Superintendents, Sec. e (2), page 24).

7. County School Board.

a. *Composition.*—The division superintendent of schools, together with the district school trustees in each county, including those in towns constituting separate school districts, for certain purposes hereinafter specified, shall constitute a body corporate, under the style of "the County School Board of.....County," and may, in its corporate capacity, sue and be sued, contract and be contracted with, and purchase, lease, take, hold, and convey property. This board shall be subject to the higher authorities in like manner as the district boards. (Code, Sec. 639)

b. *Officers.*—(See Division Superintendents, Sec. e (3), page 24).

c. *Meetings:*

(1) *Called by President.*—(See Division Superintendents, section 20, page 27).

(2) *Annual.*—The board shall hold a regular annual meeting in the month of July, the exact date to be fixed by the board itself, or, in default thereof, by the president. (Code, Sec. 643)

d. *Annual Report.*—(See Division Superintendents, Section e (4), page 24).

e. *Authorize expense allowance to Trustees.*—(See District School Board, Section i (6), page 33). (Code, Sec. 645)

f. *By-laws; record; Clerk.*—The county school board shall make and record, in a bound volume, by-laws and regulations for its own govern-

ment and for carrying out all duties imposed upon it by law; and shall keep, in said volume, a record of the proceedings of each meeting. It may appoint a clerk, at discretion, who shall receive as compensation three dollars per day for each day the board is in session, not exceeding ten dollars per annum, which compensation, together with necessary expenses and contingent expenses attending the transaction of business by the board, may be paid out of any funds under the control of the board. (Code, Sec. 642)

g. Authorized to lend money to district boards. (See Section e, page 64).

h. Encourage teachers' meetings.—(See district boards section 22 page 41).

i. Duties:

(1) *Make estimate of expenses.*—It shall be the duty of the county school board of each county, on or before the first day of April of each year to prepare and file with the division superintendent of schools an estimate of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county, and at the same time, after carefully revising the estimates of the district boards of trustees submitted to the county board in accordance with the provisions of section six hundred and sixty-one, to prepare and file with said superintendent separate estimates of the necessary expenses of the public free schools in each school district of the county for the next scholastic year, which estimates shall be submitted by him to the board of supervisors at a regular meeting. (Code, Sec. 646)

(2) *Apportion county school funds.*—The county school fund shall be apportioned by the county school board among the several districts of the county according to its judgment, having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts; provided, that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of a higher grade. (Code, Sec. 647)

(3) *Manage certain property vested in said board.*—All money, bonds stocks, debts, funds, effects, and other property, real or personal, held by individuals by virtue of their office of school commissioner or overseers of the poor of any of the counties of this Commonwealth, except the county of Loudoun, under any act heretofore passed by the General Assembly of Virginia, acquired by or derived from the sale of glebe lands, or from any other source formerly belonging to any of the said counties, and applicable to school purposes; also such real or personal estate in any of the said counties as belonged to the former board of the literary fund, together with any other funds or property which had in any manner been set apart for school purposes, but which has been practically abandoned or is without trustees; and any funds or property that may be hereafter set apart solely for county school purposes, and all donations, by will, deed, or other conveyances, heretofore or hereafter made for county or district school purposes, the lot and school building and all the real and personal property acquired for the use of a county or district high school, or for the maintenance thereof, shall be vested in the said county or district school board of the said counties respectively, unless inconsistent with the grant or devise, upon such terms and conditions for the security of the same as the circuit court of said county shall prescribe.

The said board or boards shall when not inconsistent with the terms thereof for the purpose of education in the same manner and under the same restrictions as the general school fund of the State is applied under the general school law of the State, except that the said boards are authorized to apply such portions of the profits of the funds as in their judgment may be necessary to the erection of school houses in their said counties, respectively, or to the purchase of school apparatus for the use of schools. But if such fund does not exceed in amount the sum of two thousand dollars, the said board or boards may, if in their judgment expedient, use such fund in whole or in part in the erection of school houses in their said counties or districts or in paying any debt which may have been incurred by said county or district boards in the erection of school houses; provided, that such disposition is not in conflict with the will of the grantor or testator. In cases where funds or other property are held by trustees for purposes of common school education, the county school board shall have power, and it shall be its duty to examine into the manner in which such trusts are administered; and all such trustees are hereby required to render reports to the county board whenever called on, and to afford every facility wanted by said board in order to obtain a full understanding of all the points connected with such administration; and should such examination reveal any defect or irregularity in the administration of such trust funds or other property, it shall be the duty of the county school board to institute prompt proceedings for carrying the matter before the civil courts. In cases where donations or other funds have been set apart for the education of the poor, the county school board is authorized to receive and apply the same in connection with the public free schools, in obedience to the will of the donor. The county school board of any county may employ counsel, and provide for and direct the payment of reasonable attorney's fee whenever such action may be necessary for effectuating the purposes and objects of this section, or for the protection of the public schools of the county, or of any school district thereof, from loss or detriment from any cause; but no such fee shall be paid or allowed by such board unless or until the same shall have been approved by the court in which such litigation was had; provided further, that nothing in this law contained shall be construed to apply to the twenty-fifth clause of the will of Samuel Miller, deceased, or in any wise to affect or impair any rights or interests whatsoever, either public or private, arising under said clause, or to any fund now held by the Charlottesville district school board of Albemarle county, known as district number five. (Code, Sec. 648)

(4) *Apportion funds in district lying in two counties, etc.*—Whenever a school district is situated in more than one county of this State, and the counties in which such school district is located collect or apportion county or State school taxes, or both, therein, then the division superintendent, or county school board of each of said counties, shall make such pro rata apportionment of county and State school funds in that portion of said school district located in such county as is made to the other school districts of such county; and, in taking the school census of such district, the clerk, or other person taking the census, shall show in which county each child enumerated resides. (Code, Sec. 656)

(5) *Proceed against officers to compel settlements of accounts.*—The county school board shall have power, and it shall be its duty, in the event of any delinquency or irregularity in the acts of any treasurer, district board of trustees, or of any officer or member thereof, to take such steps and institute such legal proceedings as may be necessary and proper in

order to secure a complete settlement of the accounts of such treasurer, board of trustees, or officer or member thereof, and a full and clear exhibit of the transactions of said officer or board in connection with the receipts and disbursements of any funds for public school purposes, and to compel the payment of any balance that may be in the hands of such treasurer, board of trustees, officer, or member thereof. The county school board shall have power, and it shall be its duty, to take such steps and institute such legal proceedings as may be necessary and proper to secure a complete settlement of the accounts of any trustees to whom any funds or other property for the purposes of common school education shall have been entrusted, and to secure a full and proper administration of the said trusts; and to this end it may apply to the courts for the removal, for good cause shown, of the old trustees, and for the appointment of new trustees, either in place of those so removed or to fill vacancies, and to institute such suits or actions as may be necessary to compel the payment of any balances in the hands of the old trustees so removed, or to correct any defect or irregularity whatever in the administration of such trust fund or other property. It shall be the duty of the attorney for the Commonwealth to act as attorney for the said county school board, and to institute such legal proceedings as the said board may think proper and necessary. (Code, Sec. 650)

(6) *Order payment of trustees' expenses; provide for pay of clerks.*—The county school board may order any district school board of the county to pay to each school trustee, except the clerk of the board, a sum not to exceed ten dollars in any one year to cover the expenses of said trustee for attendance upon the meetings of the county and the district school boards within their respective counties; provided that in the county of Henry, each school trustee may be allowed a sum not to exceed fifteen dollars in any one year to cover the expenses as aforesaid. (Acts 1920, page 560)

(7) *Publish Annual Statement.*—The several county school boards in Virginia are required to cause to be made out immediately after the annual settlement with the county treasurer a statement showing the receipts and disbursements of the school funds in each district for the year then ending, which said statement shall be published in some newspaper, if one is published in the county, and shall also be printed as a hand-bill and posted at the front door of the county courthouse, and at the voting place of the clerk of each school district. Said statement shall be made out in the following form for each district:

Name of district

Receipts.

Total balances on hand from preceding year.....	\$
Amount received from State school funds.....	\$
Amount received from the county school levy....	\$
Amount received from the district school levy....	\$
Amount received from all other sources, stating	
sources	\$

Total receipts and balances\$

Disbursements.

Amount paid school trustees	\$
Amount paid county treasurer	\$
Amount paid teachers (number of teachers).....	\$

Also a statement of any other expenditures not covered in either of the above items, which said statement shall be itemized in the following form: (provided, that the amount expended for other incidental expenses shall be further itemized as each of said boards may deem necessary or desirable).

Amount spent for school houses.....	\$
Amount spent for furniture for school houses....	\$
Amount spent for other incidental expenses.....	\$
<hr/>	
Total balances on hand	\$
Total disbursements and balances	\$

It shall be the duty of the division superintendent of schools to see that the said statement is published and posted at the court house as aforesaid. It shall be the duty of the clerk of each district board to post said statement at his voting precinct. (Code, Sec. 750)

(8) *Sell or exchange school property.*—Any county, district or city school board may file its petition in the circuit court of its city or county or the corporation court of its city, or before the judge thereof in vacation, asking leave to sell or exchange any public school property which in its judgment it is desirable to sell or exchange, and upon evidence being produced before the court, or judge thereof in vacation, that such sale or exchange is proper to be made, the said court, or judge thereof in vacation, shall make such order as may be proper, providing for the sale of said property, or that the same may be exchanged; but if the said school property is sold it shall be sold to the highest bidder at public auction after due public notice of time and place of sale be made known by posting notices in the school district, or city in which said school property is located, and in case of sale of said property the court or judge shall make an order for the proper use or investment of the proceeds of the same; the court may make such order as to the cost as to it may seem proper. In case of sale or exchange of district school property the deed for the same shall be made by the school trustees of the district or districts in which the property is situated. (Code, Sec. 649)

(9) *Compare warrants of district boards.*—At the annual meeting in July, in each year, the county school boards shall compare the warrants issued by each district board with those paid by the treasurer, and, through the division superintendent of schools, report the result to the Superintendent of Public Instruction. (Code, Sec. 748)

(10) *Guard against teachers violating contracts:*

If a teacher contracts by formal letter or written agreement to teach for a given session in one division of the State, and without securing release therefrom undertakes to teach in another division, thus violating the contract, the certificate of said teacher shall not be validated by any superintendent except of the division wherein her original contract was made. (State Board Regulation)

(11) *Fix holidays:*

At the annual meeting of the county school board in August, district board, shall declare what days shall be designated as holidays for the next school year, which days shall be approved by the county school board and must be the same throughout the county. The division superintendent, upon the opening of the schools, shall notify teachers of the days so fixed. (State Board Regulation)

(12) *Make detailed report at August meeting:*

At the August meeting the several boards shall prepare a detailed report, embracing a full statement of all the school work done in the respective districts for the school year ending the thirtieth of June preceeding, in such

form as may be prescribed by the Superintendent of Public Instruction. This report shall be delivered to the division superintendent on or before the date fixed for the annual meeting of the county school board. (State Board Regulation)

(13) *Subject to fine for failure to make Annual Report.*—The judge of the circuit court, at the session of his court next succeeding the annual settlement of the county and district school boards with the county treasurer, shall instruct the grand jury to ascertain whether or not the county school board and the division superintendent and district clerks have published and posted the statements required in the preceding section, and if the grand jury shall discover that said statements have not been made or have not been published and posted as required by law, then indictments shall be found against each of the officers or trustees who have been delinquent in the performance of their duties as aforesaid, who shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than one hundred dollars. (Code, Sec. 751)

8. District School Board.

a. *Manner of election.*—(See Trustee Electoral Board, Sec. c (1) page 29).

b. *Trustees for cities elected by Councils.*—Nothing in this chapter shall be construed as giving authority to said board to interfere in any way with the appointment of school trustees by municipal councils or to disturb in any way the law bearing on the action of said municipal councils in the premises. (Code, Sec. 635)

c. *Number and term.*—There shall be three school trustees for each school district, whose term of office shall be three years, respectively. (Code, Sec. 636)

d. Eligibility:

(1) No federal, State or county officer, or any deputy of such officer, and no supervisor shall be chosen or allowed to act as district school trustee; provided, that the provisions herein contained shall not apply to fourth-class postmasters, county superintendents of the poor, commissioners in chancery, commissioners of accounts, and notaries public. (Code, Sec. 637)

(2) Every school trustee shall, at the time of his appointment, be a resident of the school district for which he is appointed, and if he shall cease to be resident thereof his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oath prescribed for officers of the State before the division superintendent of schools or any other officer authorized to administer an oath. The officer administering the said oath shall certify the same to the clerk of the circuit court, and the said clerk shall make in his record book a minute of the qualification of said trustee. And no fee shall be charged for either service. (Code, Sec. 638)

e. *Expenses.*—The county school board may order any district school board of the county to pay to each school trustee, except the clerk of the board, a sum not to exceed ten dollars in any one year to cover the expenses of said trustee for attendance upon the meetings of the county and the district school boards within their respective counties; provided that in the county of Henry, each school trustee may be allowed a sum not to exceed fifteen dollars in any one year to cover the expenses as aforesaid. (Acts 1920, p. 560 amending Code, Sec. 645.)

f. **Officers Quorum.**—In each school district there shall be a district board, consisting of three trustees, who shall be appointed as prescribed by section six hundred and thirty-one. In case the State Board of Education, in redistricting any county, shall reduce the number of school districts, it shall provide for vacating the offices of such trustees as may be necessary to conform to the provisions of this section. Each board of school trustees, any two of whom shall constitute a quorum, shall appoint one of their number chairman and another clerk. (Code, Sec. 651.)

g. **Trustees of School Property.**—The school trustees of each district shall constitute the district school board, and shall be a body corporate under the name and style of the "school board of district, number of the county of, " by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all school property, both real and personal, belonging to the district, shall vest in the said board. (Code, Sec. 652)

h. **Duties:**

(1) *Approve agents to take school census.*—(See Census, Section 13, page 59).

(2) *Provide consolidation and transportation.*—The number of schools in the State shall be according to the funds available, and for this purpose the district school boards are authorized to provide for the consolidation of schools and the transportation of pupils. (Code, Sec. 700)

(3) *Provide for use of school house out of school hours.*—When a responsible resident citizen of any school district may apply to any school trustees of said district for the use of a school house, to be used when the school is not in session during the school term or in vacation, by any lawful assembly of educational, agricultural, civic or social bodies, organizations or gatherings, the said trustee may grant the use of said building; and if said trustee refuse the use of the same, he shall state his decision in writing, and if a demand, signed by five freeholders of said district be then presented to the chairman of said district school board, the chairman shall promptly call a meeting of the district school board to consider the request for the use of said building and whether the use thereof shall be granted to said freeholders, who shall be responsible for the use and care of said school property and of avoidable damages and the return of the key to the teacher of said district, if school be in term, or to the trustee of said district in vacation. An appeal of right shall also lie from the decision of the district school board to the school trustee electoral board of the county in which said school house is located, the decision of said last named board to be final. (Code, Sec. 677)

(4) *Provide flags for school houses.*—Upon a peptition of a majority of the patrons of any school in this State, the school authorities of each city and of each school district in the State shall provide for such public schools, on buildings already erected, flags of the United States of America and of the Commonwealth of Virginia commensurate with the size of the building, but each flag of a size not less than four by six feet, together with a flag staff or pole for each of said flags, and the ropes, pulleys and other paraphernalia needed for flying said flags. Said district school board shall, on all school buildings hereafter erected, provide flag poles, flags, paraphernalia, etc., as hereinbefore mentioned. Said flag poles on buildings hereafter to be erected shall be attached to the building, but on buildings already erected, flag poles may be either attached to the building or the flags may be flown from poles located not more than fifty feet from said school build-

ings and within the school grounds, and the same shall be paid for, maintained and replaced when the requirements of this section have been complied with, out of the district school funds. (Code, Sec. 678)

(5) *Institute condemnation proceedings for building sites where necessary.*—If, in the judgment of the district school board, the public interests demand that a school house be located on a particular spot and no equitable arrangements for its purchase prove to be practicable, the board of trustees shall be authorized, and it shall be its duty, to cause the desired parcel of land to be surveyed by the county or other competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the circuit court; and thereupon, on application of the district school board, the same proceedings shall be had as are prescribed by the laws relating to the exercise of the right of eminent domain; but no parcel of land thus condemned shall exceed one acre in a town or five acres in the country. No dwelling, yard, garden, or orchard shall be invaded, nor in an unincorporated town any space within one hundred feet of a dwelling, nor in the country any space within two hundred yards of a mansion house, without the consent of the owner. (Code, Sec. 672)

(6) *Visit schools; provide pay for teachers; text books for indigent children, etc.; examine all claims against school district and issue warrants therefor.*—(a') It shall be the duty of the district school board to visit the public free schools in the district from time to time, and to take care that they are conducted according to law, and with the utmost efficiency; (b') to provide for the pay of the teachers and of the clerk of the board, the cost of providing school houses and the appurtenances thereto and the repairs thereof, school furniture and appliances as provided for in section six hundred and eleven, necessary text-books for indigent children attending the public free schools, and any other expense attending the administration of the public free school system, so far as the same is under the control or at the charge of the school district or its officers; (c') to examine all claims against the school district, and when approved, to pay the same; (d') but a record of such approval shall be made in the proceedings of the board; and a warrant on the county treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the.....day of..... (Code, Sec. 662)

(7) *Establish all day, part time, continuation or evening courses.*—The district school board may establish all day, part time or continuation or evening classes, giving industrial, agricultural, household arts or commercial education, and provide for the support thereof in the same manner as for the regular schools of said district. Such education shall be of less than college grade, and shall be designed to meet the vocational needs of persons over fourteen years of age who are able to profit by the instruction offered. (Code, Sec. 663)

(8) *Make annual report.*—It shall be the duty of the district school board to report on any matter when required by the division superintendent of schools, and on or before the first day of August of each year to make a report for the school year closing on the thirtieth day of June preceding on all subjects embraced in the blank forms supplied by the Superintendent of Public Instruction.

County, city, or district school boards and counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, or to any school or institution of learning

owned or exclusively controlled by such county, city, town, or school district or by such county, city, or district school boards. Said boards may also provide for the introduction of manual or industrial training and other special branches into any public school. (Code, Sec. 664)

(9) *Perform any other duties prescribed by the State Board of Education.*—It shall be the duty of the district school board to perform such other duties as shall be prescribed by the State Board of Education, or are imposed by any other section of this chapter or by law. (Code, sec. 665)

(10) *Explain, observe, and enforce laws; make regulations; employ and dismiss teachers.*—(a') It shall be the duty of the district school board to explain, enforce, and observe the school laws; (b') and to make rules for the government of the schools and for regulating the conduct of pupils going to and returning from school; (c') and to employ teachers from a list or lists of eligibles to be furnished by the division superintendent, said list or lists to contain all applicants of good moral character, whose efficiency is attested by proper certificate and who may apply to be included therein; (d') and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position; but the authority hereby given shall be subject to review by the board of appeal provided by section six hundred and thirty-two. No board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force according to the provisions of section six hundred and eighty-eight; but no district board shall employ or pay any teacher from the public funds if said teacher is the father, mother, brother, sister, wife, son, or daughter of any member of said board. Any member of any district board who shall violate any of these provisions shall be personally liable to refund any public funds paid in violation of this section, to be recovered from him by suit in the name of the Commonwealth at the relation of the attorney for the Commonwealth; such funds when recovered, to be paid into the county school fund. (Acts 1920, page 600)

(11) *Control of pupils; free text books; census of children; meetings.*—It shall be the duty of the district school board to suspend or expel pupils when the prosperity and efficiency of the schools make it necessary; to decide what children wishing to enter the school of the district should by reason of the poverty of their parents or guardians receive text-books free of charge, and to provide for supplying them accordingly; to see that the census of children required by section six hundred and fifty-three is taken in the proper time and in proper manner; to hold regular meetings at fixed periods, to be prescribed by the State Board of Education, and special meetings when called by the chairman or by two members. (Code Sec. 660)

(12) *Estimate amount of money needed in the district for next year; provide suitable school houses, furniture, etc.*—It shall be the duty of the district school board to call meetings of the people of the district for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall prescribe, if present; and on or before the fifteenth day of March in each year the district school board shall prepare and return to the president of the county school board to be by him laid before the board at its earliest meeting, an estimate of the amount of money which will be needed in the district during the next school year for providing school houses, text-books for indigent children and school appliances, and other necessary expenses; and said board shall provide suitable school houses with proper furniture and appliances, in accordance with section six hundred and eleven,

and care for, manage, and control the school property of the district. For these purposes it may lease, purchase, or build such houses, according to the exigencies of the district and the means at its disposal. (Code, Sec. 661)

(13) *Districts to be numbered and named.*—(See Division Superintendents, Sec. e (15), page 26). (Code, Sec. 667)

(14) *Bounds of districts; towns may constitute separate districts.*—a'. Each magisterial district shall constitute a separate school district unless the State Board of Education shall provide for redistricting any county where the interests of the schools require it.

b'. A town of more than five hundred inhabitants may, if the council of such town so elect, be constituted a single school district, and such council shall have the power to appoint three school trustees to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years: provided, that in all cases in which a school district includes territory outside of the corporate limits of the town, the trustees shall be appointed by the school trustee electoral board provided for in section six hundred and twenty-nine. (Code, Sec. 668)

(15) *Approve claims and authorize payment.*—For the pay of public free school teachers, of the clerks of boards of district school trustees, the cost of providing school houses and appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text-books for children attending the public free schools in cases where the parent or guardian is unable, by reason of poverty, to furnish them, treasurer's commissions, and any other expenses attending the public free school system so far as the same is under control or at the charge of the school district or its officers, it shall be necessary first to obtain from the board or school trustee of the district concerned an order approving the claim and directing it to be paid, which shall be duly recorded in the proceedings of the said board; whereupon a warrant shall be drawn, signed by the chairman of the said board and countersigned by the clerk thereof, payable to the order of the person entitled to receive such money, and stating on its face the purposes or service for which it is to be paid and that such warrant is drawn in pursuance of an order of the board. (Code, Sec. 670)

(16) *Shall provide facilities before receiving funds.*—No school district shall receive any part of the county or State funds until it has made proper provision for school houses, furniture, apparatus, text-books for the indigent children, and all other means and appliances needful for the successful operation of the schools. (Code, Sec. 680)

(17) *May furnish free text books.*—The act entitled "an act allowing (under certain conditions) district or county school boards to provide free school books for children attending the public schools, and instructing boards of supervisors and city councils to provide the necessary revenue," approved March 21, 1916, is continued in force. (Code, Sec. 725)

(18) *Free text books provided for:*

a'. Be it enacted by the General Assembly of Virginia, that each district school board of this Commonwealth is hereby authorized to furnish free of charge to all pupils in the public school all books adopted for use in said schools, said books to be paid for by each district school board or county school board, out of funds to be provided as herein prescribed. But no student shall be allowed more than one book of any one kind, free, for any one year.

b'. Whenever twenty-five (25) per centum of the electorate (voting at the previous election) of any school district, shall petition the trustees of said district for the introduction of free text books, then the said trustees of the said district shall certify in writing the fact to the electoral board of said county or city who shall at least thirty days before the next general election, see to it that the question is printed upon the official ballot of such election in type similar to that used for the rest of the ballot and in the following form: "For free text books," "Against free text books." If the majority of the votes cast on this question is for free text books then the trustees of said district shall communicate in writing this fact to the board of supervisors or city council, as the case may be, together with a statement of the number of pupils enrolled in the district, and the amount of money needed to furnish free books, and it shall be the duty of the board of supervisors or city council to lay a levy for the purpose, or in lieu thereof to make an appropriation of the amount asked for by the said trustees, provided the same does not exceed one dollar for each pupil enrolled.

c'. At such time as any district school board shall put this act into operation it shall not be necessary to take up all the old books of the pupils but to pupils wholly or in part supplied with necessary books the board may supply the book only as other or new are needed. All school books furnished as herein provided shall be the property of the district school board and loaned to the pupils on such terms and conditions as each such district school board prescribes.

d'. It shall be the duty of the district school board to adopt such rules and regulations as may be necessary to take care of said books.

e'. Books for use in the schools shall be ordered at least thirty days before the opening of schools by the clerk of each district school board from such person or persons as may be designated by the State Board of Education, and at wholesale prices as provided by law.

f'. The expenses of ordering and distribution shall be borne out of the district funds for free text books provided in section two, the amount necessary to be determined by each district board, but in no case shall the expense of distribution, excluding freight, exceed four cents for each pupil enrolled for each session. It shall be lawful, by vote of the district board, for the district clerk to undertake the distribution of books, provided his compensation shall not exceed the amount named in this act.

g'. In such counties as it may seem advisable to take a vote upon the free text-book question for the entire county as a unit, rather than by districts, upon written notice from the county school board to the electoral board of the county certifying that each school district in the county had duly petitioned each district board, as provided in section two of this act, the electoral board shall have placed upon the ballot for the entire county in the same way and manner as provided in section two, the words "For Free Text Books," "Against Free Text Books." If the majority of those voting on this question declare in favor of free text books then the supervisors are authorized to levy for the entire county the amount estimated by the county school board as needed to furnish said books, not to exceed one dollar for each pupil enrolled in the public schools of said county, which amount shall be placed to the credit of "a free text book fund for the county," to be disbursed by the county school board, and said county board is authorized to order said books in the same way and under the same conditions as provided in section four, for district school boards, and to pay the expense of distribution of said books as provided for the district school boards in section five of this act.

h'. Provided that this act shall not apply to any county or any school district in which the school session is not at least seven months long.

i'. Any school district or county as a unit having once adopted above provisions or system, shall have the right to abolish the system by an election called and held as prescribed and regulated in Sections 2 and 6 of this act, and if the majority of the votes cast is against the continuance of free books, the system shall be discontinued. (Acts 1916, page 714)

(19) *Custodians of donations for school purposes.*—When any real or personal property is given, devised or bequeathed to any school district or city school board it shall be vested in the said school district or city school board, as the case may be, and shall be managed and applied by the same according to the wishes of the donor or testator, and the school board having charge of the fund or property shall, in addition to the regular settlements which it is required to make of all school moneys coming into its hands, settle annually before the commissioner of accounts of its county or city, so far as the management of the property so bequeathed or devised is concerned, and the court having jurisdiction shall have the right to compel such a settlement as provided in section fifty-four hundred and ten of this Code. In case of any change in the boundaries of any district, the county school board shall make provision for continuing the fulfilment of the purposes of such donor or testator, as far as practicable, and settlements shall be made as provided for above.

(20) *School board may borrow money on short time loans.*—Be it enacted by the General Assembly of Virginia, That the several district or city school boards of the State, desiring to borrow money of the purpose aforesaid, be, and the same are hereby, authorized to borrow a sum of money which shall not exceed the amount of the district levy for the year in which the loan is negotiated, such loans to be repaid at such time or times within the space of five years as may seem best to the respective school boards and to bear interest at a rate not exceeding six per centum per annum; provided that a second loan shall not be negotiated until all preceding temporary loans negotiated under this act have been paid. (Acts 1918, Chap. 352, page 533)

(21) *May establish joint schools.*—The school boards of two adjacent districts, whether in the same or different counties, shall, with the consent of the State Board of Education, have the power to establish joint schools for the use of both districts; and shall have the power to purchase, take, hold, lease, and convey school property, both real and personal, in either district for such joint schools; and the title to all such property acquired for such purposes shall vest jointly in the school boards of such adjacent districts, and such schools shall be managed and controlled by the said boards jointly. (Code, Sec. 701)

(22) *Encourage teachers' meetings.*—County or district school boards may encourage meetings of teachers to be held from time to time in any county or school district under such regulations as the division superintendent of schools may prescribe. (Code, Sec. 694)

(23) *Must take oath:*

Every district school trustee, before entering upon the duties of his office, and within thirty days after notice of his appointment, shall take and subscribe the oaths prescribed by section two hundred and sixty-nine of the Code of Virginia (section 8, **sub sec. d.** of school law). As soon as the oaths shall have been taken and subscribed before the division superintendent of schools, or any other officer authorized to administer an oath, and a minute of the said qualification entered of record in the clerk's office of the circuit corporation court, in form prescribed by the Superintendent of Public Instruction, the form shall be returned to the clerk of the school trustee electoral board. (State Board Regulation)

(24) *Hold regular meetings:*

District school boards shall hold stated meetings, the exact date of such meetings to be fixed by the boards. Special meetings may be called by the chairman, or by the other two members of the board, of which all the members shall have due notice. (State Board Regulation)

(25) *Enter into written contract with teachers:*

The district school board shall enter into written agreements with teachers before said teachers enter upon the discharge of their duties but no teacher may be employed or paid who is not properly certificated to teach in the public schools of Virginia. Contracts with teachers shall be executed on behalf of the board by the clerk unless the board shall designate some other member thereof to execute same. (State Board Regulation)

(26) *Fix length of daily session:*

The time for opening and closing school shall be prescribed by the district board of trustees subject to the approval of the division superintendent, provided that no school shall have less than five or more than six one-half hours each school day, exclusive of the mid-day intermission, but including the necessary time for appropriate opening exercises; provided further that in the discretion of the State superintendent and the division superintendent the length of the school day may be shortened or modified with reference to special classes. (State Board Regulation)

(27) *Pay teachers' salaries when school is closed:*

The board of school trustees of any school district in which a public school has been closed for sufficient cause before the expiration of period for which it was required by contract to continue, is hereby authorized, with the written approval of the division superintendent, to pay the teacher of every school as much of his salary as may be due for the time the school was taught. (State Board Regulation)

(28) *Prepare a budget:*

At the March meeting every district school board shall prepare an estimate showing the amount of money which will be needed in the district during the next school year for providing school-houses, furniture, apparatus, text-books for indigent pupils, and all other lawful means and appliances needful for the successful operation of the schools. Said estimate shall be filed with the division superintendent, to be by him laid before the county school board. (State Board Regulation)

(29) *Acquaint itself with school law:*

It is the duty of all school officials to acquaint themselves with the school laws and regulations, and to see that they are carried into execution; and they are urged to tolerate nothing that might tend to impair the public school system or in any way interfere with the efficiency of the schools. (State Board Regulation)

(30) *Select plans for school buildings:*

District school trustees should exercise the greatest care in the selection of plans and sites for school-houses, and shall see to it that these buildings are properly constructed and furnished with the necessary conveniences and appliances in accordance with the provisions of section eighteen of the school laws. No school-house shall be contracted for or erected until the plans and specifications for the same, as well as the location, shall have been examined and approved in writing by the division superintendent of schools, who likewise shall be governed by the provisions of said section eighteen. (State Board Regulation)

(31) *Visit schools:*

It is the duty of the district trustees to visit the schools in their respective districts while they are in operation and to see that they are in proper condition; to aid the teachers in maintaining discipline and in all movements intended to improve the schools and promote education; and in vacation to see that the houses are securely locked and the school property carefully preserved. (State Board Regulation)

(32) *Guard against establishing small ungraded schools:*

The statute law requires the State Board of Education to guard by regulation against such a multiplicity of schools as will cause a low grade of instruction in them, or otherwise impair their efficiency. District school boards are therefore urged, and it is their duty, to co-operate with division superintendents in preventing the establishment and maintenance of small ungraded rural schools, especially where such schools are not absolutely necessary. Wherever it can be done, several small schools should be combined into one good graded school, with two or more teachers and a longer term. (State Board Regulation)

(33) *Require pupils to provide themselves with text books:*

School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been prescribed and duly selected under the regulations of the State Board of Education, and no child shall be allowed to remain in school unless he is provided with such books.

There shall be kept in every school-room a copy of the list of text-books prescribed for use in that division, with a copy of the regulations of the State Board of Education concerning the same, that the pupils may be informed of the prices of such books fixed by the said board. Division superintendents shall see that a list of said books is furnished to each teacher before the schools are opened. (State Board Regulation)

(34) *Give notice to teachers against whom charges are made:*

Due notice, and an opportunity to be heard, shall be given by district boards to any teacher or principal against whom charges involving character are made. (State Board Regulation)

(35) *May employ physical education supervisors:*

The school boards of the cities and counties may in their discretion appoint directors and teachers of physical education and medical inspection for the purpose of developing the physical well-being of pupils and of guarding against ill health and disease. The duties of such supervisors or teachers shall be prescribed by the local school board in accordance with the law and their work shall be conducted under the general supervision and control of said school board. The compensation for such teachers and supervisors shall be fixed by the school board. (State Board Regulation)

(36) *Duties of clerk; his pay:*

a'. Keep record of proceedings.—The clerk shall keep in a bound volume a record of the proceedings of the board, and in another book a cash account and a record of his own official acts, and shall keep on file vouchers, contracts, and other official papers; all of which shall be open to the inspection of the division superintendent of schools and of every citizen of the district, and shall be subject to such periodical examinations as shall be prescribed by the State Board of Education. (Code, Sec. 657)

b'. He shall discharge such other duties in connection with the school business of the district as may be required of him, and for his services may be allowed, out of the district fund, an amount not exceeding three dollars for each teacher; provided that in the county of Henry, he shall be allowed an amount not exceeding five dollars for each teacher. (Acts 1920, page 560, amending Sec. 658 of Code)

9. Teachers.

a. **Must hold certificate of qualification.**—Every teacher of a public free school shall hold a certificate in full force, issued or approved by the division superintendent prior to July first, nineteen hundred and six, or after that date by the State Board of Examiners and inspectors or otherwise as the State Board of Education may prescribe, said certificate to be approved by the superintendent of schools for the division within which such teacher is to be employed unless for good cause shown such certificate be revoked. (Code, Sec. 688)

b. **Must enter into written contract.**—Written contracts shall be made by the district school board with all public free school teachers, in a form to be prescribed by the Superintendent of Public Instruction, before they enter upon their duties. Such contracts shall be signed in duplicate, each party holding a copy. (Code, Sec. 690)

c. **May suspend pupils.**—A teacher of a public free school may, for a sufficient cause, suspend pupils from attendance on the school until the case is decided by the board of school trustees, which shall be with as little delay as possible; provided, that in all such cases of suspension the teacher shall report the facts in writing to the district school board, and to the parent or guardian of the child suspended. (Code, Sec. 691)

d. **Pay not dependent on attendance of pupils.**—The pay of a teacher in the public schools of this State shall not be governed by the daily average attendance of pupils, provided the average attendance of pupils exceeds ten. (Code, Sec. 692)

e. **To keep register.**—Every teacher in a public free school shall keep a daily register of facts pertaining to his school in such form as the Superintendent of Public Instruction shall require, and shall be responsible for the safe-keeping and delivery of the same to the clerk of the school board at the close of the school term, or of the period of his service, whichever shall first happen. (Code, Sec. 689)

f. **To see that flag is flown.**—It shall be the duty of each teacher in a school employing one teacher only, and of the principal of each school employing more than one teacher, to see that said flags shall be flown from said flag staff, or poles during school hours of each school day in the year, from the hour of opening until the hour of closing the school under his or her charge except upon such days as an injury to the flags would be likely to result from flying them, by reason of inclement weather conditions. (Code, Sec. 679)

g. **Must make term report before receiving last month's warrant:**

No teacher shall receive a warrant for his last month's salary until required reports to the division superintendent and school board have been made. (State Board Regulation)

h. **Require cleanliness of pupils—suspend if necessary:**

Teachers shall require of pupils cleanliness of person, punctuality, diligence, and good behavior during their attendance at school and on their way thither and back to their homes. In the enforcement of discipline teachers have authority, subject to such regulations as the district boards may prescribe, to inflict reasonable penalties, and for a sufficient cause they may suspend pupils from school until the case is decided by the district school trustees, which shall be with as little delay as possible; provided, that in all such cases of suspension the teacher shall promptly report the facts in writing to the district school board and to the parent or guardian of the pupil suspended. (State Board Regulation)

i. Do reading; attend summer school, etc., for improvement:

It is the duty of teachers to improve themselves in the art of teaching by studying approved books on the subjects they are to teach, by attending summer normal schools, teachers' meetings and reading circles, and by making themselves thoroughly acquainted with some of the best books on pedagogy, school management, and the history of education, and also by reading educational periodicals, and pursuing such a course of general reading as will best tend to increase their knowledge and usefulness as teachers. (State Board Regulation)

j. School month:

The school month shall consist of four weeks of five school days each, and, in the discretion of the local school board, deduction may be made from the pay of teachers for every day they lose except such days as shall have been declared holidays by district school boards. (State Board Regulation)

k. County officers not to teach:

No division superintendent of schools, district school trustee, county treasurer or deputy treasurer or other county officer shall teach a public school. (State Board Regulation)

l. Teacher's cottage at Catawba.—Be it enacted by the General Assembly of Virginia, that the sum of ten thousand dollars, be, and the same is hereby, appropriated to build a cottage for tubercular teachers at Catawba; provided the sum of fifteen thousand dollars is contributed to this fund by the State Teachers' Association.

The State Board of Health shall have full charge of erecting said cottage and all money used for this purpose shall be paid out on vouchers issued by the State Board of Health.

Admittance to the teachers' cottage shall be on recommendation of the State Teachers Association, and under regulations prescribed by the State Board of Health. (Acts 1918, Chap. 177, pg. 309.)

m. State cadets to act as teachers.—Every cadet received on State account, and who shall have remained in the institute during the period of two years or more, shall act in the capacity of teacher in some school in this State for two years after leaving the institute, and such cadet shall be required to discharge said obligation as teacher within the three years immediately after leaving the institution, and said cadet shall report in writing to the superintendent of the institute on or before the first day of June of each year succeeding the date of his leaving the institution until he shall have discharged fully said obligations to the Commonwealth; or at his option he may serve an enlistment in the national guard of the State, or serve for a period of two years as an engineer on the State Highway Commission; and every cadet so received on State account in said institute on reporting for duty and matriculation shall be required to enter into a bond, payable to the Virginia Military Institute, in a sum sufficient to cover the board and tuition that may be expended in his behalf as such State cadet; and unless the said cadet shall fulfill his said obligation as aforesaid, he shall be deemed to have violated his contract, and authority is hereby given to the institution to proceed by law for the collection from said cadet of such amount as may be necessary to cover so much of his board and tuition as may proportionately be due from his failure to teach the whole or any part of the said two years, or to serve in the national guards or as an engineer on the public roads of Virginia; and no cadet executing such bond shall be permitted to plead infancy or the statute of limitation in bar of recovery of such debt; provided, the board of visitors may excuse said cadet from any one of these obligations in such

cases as they may deem right and proper; and provided further, if said cadet shall discharge any one of these obligations within the time prescribed, he shall be deemed to have fulfilled his obligation to the State imposed by this section. (Code, Sec. 849)

n. Pensions for teachers:

(1) *Who may be retired.*—Any person, not including the division superintendents, who has taught in the public schools of this State, may make application to be retired and pensioned under the provisions of this chapter, provided his case comes under either of the two following classifications:

Class "A" shall include every person who has taught in the public schools of this State an aggregate of at least twenty years and who has maintained a good record and by reason of physical or mental infirmity or old age is incapable of rendering efficient service as a teacher.

Class "B" shall include every person who has taught in the public schools of this State for an aggregate of at least thirty years and who has maintained a good record and has reached the age of fifty-eight years, if a man, and fifty years, if a woman.

The State Board of Education is authorized, and it shall be its duty, to place any such person on the list to be known as the "retired teachers' list" and pay him a pension as hereinafter provided, subject to the exceptions and restrictions of this chapter; and a careful record of the names of the teachers pensioned under this chapter shall be kept by the State Board of Education. (Code, Sec. 787)

(2) *Medical examination for class "A."*—No applicant under class "A" shall be pensioned until and unless, his mental or physical disability is shown by evidence satisfactory both to the State Board of Health and the State Board of Education, and either of the said boards may order a special medical examination by some physician appointed by it, the expenses not exceeding five dollars in each case, to be borne by the applicant, unless otherwise directed by the State Board of Education. (Code, Sec. 788)

(3) Restrictions as to dates:

a'. Prior to January first, nineteen hundred and eleven, no person shall be placed on the "retired teachers' list" under class "A" or class "B" unless such person shall have taught at least one session in the public schools of this State since July first, nineteen hundred and eight; after January first, nineteen hundred and eleven, and prior to January first, nineteen hundred and twelve, no person shall be placed on said list unless such person shall have taught at least two sessions since July first, nineteen hundred and eight; after January first, nineteen hundred and twelve, and prior to January first, nineteen hundred and thirteen, no person shall be placed on said list unless such person shall have taught at least three sessions since July first, nineteen hundred and eight; after January first, nineteen hundred and thirteen, and prior to January first, nineteen hundred and fourteen, no person shall be placed on the pension list unless such person shall have taught at least four sessions since July first, nineteen hundred and eight; and after January first, nineteen hundred and fourteen, no person shall be placed on the pension list unless such person shall have taught at least five sessions since July first, nineteen hundred and eight; but, the provisions of this section shall not apply to any person whose application reached the State Board of Education prior to July first, nineteen hundred and eight. (Code, Sec. 796)

b'. Any person who would have been entitled to a pension under this chapter under either class "A" or class "B" had it been in force prior to July first, nineteen hundred and eight, and subsequent to July first, nineteen hundred and two, and who retired, either voluntarily or on account of physical disability from teaching in the public schools prior to July first, nineteen hundred and eight, and subsequent to July first, nineteen hundred and two, and who is otherwise qualified under the provisions of this chapter, shall receive under this chapter a pension equal to one-fourth of the average salary earned by such person in teaching a public school during the last five years of his service, which shall be paid as other pensions are paid under this chapter, and all other provisions effecting other pensioners under this chapter shall apply to those pensioned under this section (Code, Sec. 797)

c'. In the interest of fairness and justice to all parties, the deductions provided for in section seven hundred and eighty-nine shall be made to apply to all persons whose names have been or shall be placed on "the retired teachers' list," prior to June fifteen, nineteen hundred and ten, under such rules and regulations as may be prescribed by the State Board of Education (Code, Sec. 799)

d'. The State Board of Education shall publish annually the retired teachers' list in the Virginia Journal of Education, or some other paper selected by it, giving the name, age and quarterly pension of each person on said list, together with a statement of the class under which he is retired. (Code, Sec. 798)

(4) *How teachers may be removed from pension list:*

a'. Any person heretofore or hereafter placed on the "retired teachers' list," under class "A" of section seven hundred and eighty-seven, shall receive a pension only so long as his mental or physical disability continues to exist; and he may have his name removed from said list at his own request at any time, or the State Board of Health or the State Board of Education may at any time, and shall at intervals not exceeding three years, require a new examination of any person receiving a pension under class "A," as aforesaid, to determine whether the said person is still incapable of rendering efficient service as a teacher by reason of mental or physical infirmity or old age, and if either of said boards shall be of opinion that the said disability no longer exists, the State Board of Education shall after thirty days' notice remove the said recipient of a pension from the said retired teachers' list, and in the event of either voluntary retirement or such removal, the pensioner shall no longer receive a pension, unless re-instated as provided in section eight hundred and three. (Code, Sec. 801)

b'. Any person whose name has been placed upon the retired teachers' list who shall engage in teaching in any of the public schools of this State, shall forfeit his right to a position on the retired teachers' list and shall be removed therefrom by the State Board of Education. (Code, Sec. 804)

(5) *Sources of the fund:*

a'. One percentum of teachers' salaries.—In order to provide a fund to pension said retired teachers, all contracts with teachers shall provide that the chairman and the clerk of the school board, or other officers whose duty it is to pay public school teachers, shall deduct monthly from the salary of each teacher in the State a sum equal to one per centum of his salary. In order that the sum so deducted shall be promptly covered into the treasury of the State, it shall be the duty of the State Board of Education to deduct from the annual apportionment on account of the appropriation of the General Assembly and the accumulated interest on the invest-

ments of the literary fund one per centum of the total amount of the salaries of the teachers of each county, town or city, as shown by the annual report of the division superintendent for the preceding year. Should the salaries of the teachers for the current year exceed the salaries paid the preceding year, then the State Board of Education shall deduct for the succeeding year an additional amount sufficient to cover said excess, it being the intention of this section to provide a convenient means of paying the amounts deducted from the teachers salaries into the State treasury without having the trouble and expense of many small remittances from a large number of clerks of district boards. All amounts so deducted and received shall be placed by the State Treasurer to the credit of the fund to be called the "retired teachers' fund" and an accurate account shall be kept of all funds so received. (Code, Sec. 790)

b'. Appropriations by General Assembly.—Such sums as may be appropriated for the benefit of the "retired teachers' fund" shall be turned over to the State Board of Education and deposited as aforesaid with the State Treasurer to be placed to the credit of said fund. (Code, Sec. 791)

c'. Legacies, devises, etc.—All legacies, bequests and funds derived from devises for the benefit of the teachers under this chapter shall be paid over to the State Board of Education and shall be by it transferred, as aforesaid, to the Treasurer of Virginia to be placed to the credit of the fund provided for in sections seven hundred and ninety or seven hundred and ninety-three, as may be proper to carry out the terms of the gift.

All money belonging to this fund from whatever source derived by the State Board of Education shall be paid into the treasury of the State through the office and upon the warrant of the Second Auditor of Virginia. (Code, Sec. 792)

d'. Permanent endowment provisions.—Any person in either class retired under this chapter shall have deducted from the first year's pension an amount equal to thirty per centum of the average annual salary earned by such person during the last five years he was a teacher in this State, less the amounts already contributed to the pension fund by such person retired.

All money so deducted shall be used to create a permanent endowment for the retirement fund, and only the income shall be used in paying pensions or other current expenses. (Code, Sec. 789)

(6) *How teachers may be re-instated to pension list.*—Any person so removed from the retired teachers' list or who voluntarily retires therefrom may be restored to said list at any time, either under class A or class B, by making application on forms prepared for that purpose by the Superintendent of Public Instruction without regard to the number of years he may have taught since July first, nineteen hundred and eight, if otherwise eligible under the provisions of this chapter. (Code, Sec. 803)

(7) *Certificate rights restored.*—In case any person on the retired teachers' list is removed therefrom, as aforesaid, or voluntarily retires from said list, he shall be restored to the same rights and condition regarding certificates as he possessed at the time he made application to be placed on the retired teachers' list. (Code, Sec. 802)

(8) *Money restored when teachers are removed from list.*—In any case in which any person is removed from the retired teachers' list under the terms of this chapter there shall be paid back to him the amount of money which he has paid into the retired teachers' fund with six per centum interest, less any amount or amounts that may have been paid to him out of the retired teachers' fund while his name remained on said retired teachers' list. (Code, Sec. 805)

(9) *Investment fund.*—The State Board of Education shall be permitted to invest the capital and unappropriated income of the said "retired teachers' fund," as provided in section six hundred and fourteen, with all the powers of investment or reinvestment granted by said section. And all securities belonging to said fund shall be deposited with the Second Auditor for safe keeping, who shall return with his annual report a list thereof with a statement of their value. Only the income of the funds received and invested under this section shall be used in paying pensions or other current expenses. (Code, Sec. 793)

(10) *Accounts; bonds.*—The State Board of Education shall see that proper arrangements are made for keeping an accurate account of all moneys received, invested or disbursed under this chapter, and the Superintendent of Public Instruction shall include a full statement of all the transactions of said fund in his annual or his biennial report. The State Board of Education shall require proper and sufficient bonds from the person, or persons, charged with the management or custody of said funds, except in the cases of the State Treasurer and Second Auditor whose official bonds shall cover the said funds, for the proper application of which they and the sureties on their official bonds shall be liable. (Code, Sec. 795)

(11) *What pensions to be paid.*—The State Board of Education shall quarterly, on the first day of January, April, July and October of each year, issue its warrant on said fund, signed by the president and secretary of said board, for the benefit of each person whose name has been placed on said list for the quarter immediately preceding the time of payment for a sum equal to one-eighth of the average annual salary earned by such person during the last five years he was a teacher in the public schools of this State. The Second Auditor shall issue his warrants to said persons accordingly. In no event, however, shall any quarterly pension exceed the sum of one hundred dollars; but, any person whose average annual salary during the last five years he was a teacher in the public schools of this State equaled or exceeded one thousand dollars, may receive as a quarterly pension as much as one hundred and twenty-five dollars. In the event that the available funds shall, in the judgment of the State Board of Education, upon a prudent and equitable appropriation of the same for any quarter be insufficient to pay all pensions due for the quarter to the full amount thereof, then the same shall be paid pro rata according to the amount of money that is available, as aforesaid. (Code Sec. 794)

(12) *State Board to make rules.*—The State Board of Education is authorized to make such further rules and regulations as are necessary to carry out the purposes of this chapter. (Code, Sec. 800)

10. Elementary Schools.

a. In every public free school shall be taught orthography, reading, writing, arithmetic, grammar, geography, physiology, and hygiene, civil government, drawing, history of the United States, and history of Virginia. In teaching physiology and hygiene approved text-books shall be used plainly setting forth the effects of alcohol and other narcotics on the human system, and such effects shall be as fully and thoroughly taught as are other branches of the said last named subjects. Each teacher shall devote not less than thirty minutes in each month of the school session instructing the pupils therein as to ways and means of proper observations so as to prevent accidents. Provision shall further be made for moral education in

the public schools to be extended throughout the entire course. Such instruction shall be imparted by reading books and text-books inculcating the virtues of a pure and noble life. The text-books shall be selected as are other text-books by the State Board of Education. (Code, Sec. 702)

b. Graded schools to be given preference.—In all localities where the number of children is sufficient, preference shall be given, under suitable regulations, to the establishment of graded schools. (Code, Sec. 699)

11. High Schools.

a. It shall be lawful for any district school board or district school boards in the same county, or the school boards of two or more districts in adjoining counties, to establish and maintain a public high school at such place as may be both most convenient for the pupils to attend and most conducive to the purposes of such school; provided, the establishment of such high school or the teaching of high school branches shall not be allowed to interfere with the regular and efficient instruction in the elementary branches.

b. A high school may be conducted either in a separate building or in the same building in which elementary grades are taught.

c. The State Board of Education shall prescribe rules and regulations governing the conduct of the high school and shall prescribe also requirements for admission and the conditions on which properly prepared pupils may attend said high school.

d. Any school district not actually conducting a high school, but paying tuition for their high school pupils in high schools in other districts' counties, or cities, may in the discretion of the State Board of Education be permitted to share in the high school fund.

e. The State Board of Education shall provide for the inspection of high schools by a competent person or persons, and shall see to it that the high schools prescribe to standards prescribed by the State Board of Education.

f. The State Board of Education, under proper regulations, shall encourage the establishment and maintenance of high schools in the counties and cities of the State by the use of whatever State appropriation that may be made for high school purposes; provided, that no appropriation to any high school shall be made unless the elementary grades of the district or county or city have been maintained for an average term of at least eight months; or a term satisfactory to the State Board of Education based upon good and sufficient reasons; provided, also that the school board of the district, county, or city, shall, from local funds, appropriate for the maintenance of such high schools an amount equal at least to fifty per centum more than the State appropriated.

g. No teacher shall be employed in high school instruction whose qualifications do not meet the standards set up by the State Board of Education.

h. The State board shall appropriate out of the high school fund to the standard four year high schools an amount not to exceed one thousand dollars, and to the two-year high schools organized according to plans prepared by the State Board of Education for junior high schools an amount not to exceed eight hundred dollars.

i. Any appropriation which may be provided by law for high schools shall be paid out of any money in the State treasury not otherwise appropriated, which amount, upon the request of the State Board of Education, filed with the Auditor of Public Accounts, shall be turned over by the Auditor of Public Accounts to the Second Auditor, and shall be used exclusively for the support of public high schools.

j. The State Board of Education shall have power to make such rules and regulations as may be necessary for the proper distribution of this fund, which fund shall be paid out on warrants drawn by the State Board of Education upon the Second Auditor.

k. The district school boards are authorized to charge, under regulations to be prescribed by the State Board of Education, tuition for pupils attending high schools, said tuition in no case to exceed the actual per capita cost for instruction and maintenance in the high school department. (Acts 1920, pages 60 and 61, amending Code, Sections 703 and repealing Sec 704-718, inclusive)

l. High school subjects may be taught in primary schools.—Be it enacted by the General Assembly of Virginia, that it shall be lawful within the discretion of the district board or division superintendent, to teach high school subjects in two, three and four room schools, when such schools are not less than two miles distant from any high school building, provided the consent of the State Board of Education shall have been first obtained as to any such school.

All regulations and parts thereof in conflict with this act are hereby repealed. (Acts 1918, Chap. 295, page 471)

m. Minimum Requirements—Standard High Schools—Effective from and after July 1, 1919.

(1) *Organization:*

a'. The length of the high school term shall be at least nine months.

b'. The elementary grades taught in connection with the high school department must have a term of not less than nine months.

c'. The elementary school in the district in which the high school is located (a) should have a term of nine months; (b) must have a term of at least seven months.

d'. A permanent record of the work done by each pupil in the high school shall be kept on forms supplied by the State Board of Education, unless permission is given by the Supervisor of High Schools to the individual school to use some other form.

e'. A minimum of two periods (eighty minutes) each day must be given by the principal of the high school to the supervision of the work done in the school by other teachers, whether in the high school, or the elementary grades taught in connection with the high school.

f'. An enrollment of not less than thirty-five pupils must be maintained in the High School Department provided, however, that this regulation may be waived by the Supervisor of High Schools, when, after a personal inspection, conditions may be found to justify such exceptions.

g'. Each high school, in order that the work done may be properly evaluated and certified by the State Board of Education, must submit to the Supervisor of High Schools promptly such reports and records as may be found necessary.

(2) *Teaching Force:*

a'. At least three teachers, including the principal, provided he teach as many as four periods of forty minutes each per day, must give their entire time to high school work; however, divided time may be allowed as a substitute for whole time, provided the total amount of time devoted to high school instruction by divided time teachers is equivalent to the full time of three teachers.

b'. Every teacher doing high school work must hold one of the following certificates: (a) Collegiate Professional; (b) Collegiate; (c) Normal Professional*; (d) Special for High School Subjects.

c'. No high school teacher may teach more than thirty class periods per week. A desirable maximum for each teacher is twenty-five periods.

d'. No teacher of the elementary grades taught in connection with the high school shall hold a certificate rated lower than a First Grade Certificate.

e'. There must be at least three teachers giving all of their time to the teaching of the elementary grades taught in connection with the high school department, provided the enrollment in the elementary grades does not exceed one hundred and five pupils; when the enrollment in the elementary grades exceeds one hundred and five pupils, and the teaching force is not sufficient to provide one teacher for each grade, there shall be one teacher for each thirty-five pupils or fraction thereof of the enrollment.

(3) Program of Studies:

a'. The program of studies for each high school must be submitted to the Supervisor of High Schools at the beginning of the term in the fall, and must be approved by him.

b'. Similar approval must be secured for any changes in the program of studies during the school year.

c'. Sixteen units of work shall be required of each high school pupil for graduation. (A unit means a recitation period of at least forty minutes, five times a week, for at least thirty-six weeks, devoted to the completion of an assigned amount of subject matter.)

d'. School boards may require a maximum of eighteen units for graduation in accredited high schools, when the program of studies provides unit courses in Music, Physical Education (or Military Drill), Home Economics, Manual Arts, and Drawing or Fine Arts, from which courses pupils must be allowed to elect, if they choose to do so, two or more of the required eighteen units. In rural and small town high schools, it shall not be necessary to provide courses in all of the above-mentioned units in order to require as many as two additional subjects for graduation, but the additional units may be required when the rural or small town high school requires that these two additional units be selected from home projects in Agriculture, Domestic Science, Music, or Study of the Bible. The Supervisor of High Schools shall determine when the program of studies of a given high school meets the above conditions.

e'. The sixteen units required of all graduates shall be distributed as follows:

English	4
Mathematics (for non-vocational courses)*.....	2
History (American History and Civics).....	1
Science (Agriculture with Laboratory for rural schools, and Home Economics for girls, recommended, pro- vided a teacher of appropriate qualifications be se- cured)	1
Electives	8
Total	16

f'. Instruction shall be given in no foreign language for less than two years. Students not planning to enter higher institutions of learning must not be required to devote more than two years of study to a foreign language; they may elect, however, to pursue more than two years' study of a foreign language.

(4) Equipment:

a'. No school shall be accredited when, in the opinion of the Supervisor of High Schools, physical conditions of the building and equipment are such as to endanger the health of the pupils or to interfere with efficient instruction. (For standards by which the building and equipment will be measured, see sections and of the Virginia School Law.)

b'. Ample laboratory equipment and laboratory instruction must be provided for all sciences involving the use of a laboratory.

*If issued after February 1, 1918, entitles the holder to teach any subjects in the first two years, and those subjects in the third and fourth years in which the holder of the certificate has had two years' normal school instruction.

c'. Laboratory equipment sufficient for instruction in two subjects in science must be provided. (Domestic Science or Shop Work in Manual Arts may be included as one of these subjects.)

d'. Each high school must provide a school library for general reading matter and reference material sufficient to offer opportunities for individual reference work and home reading for the students. A list of such books is to be approved by the Supervisor of High Schools. (State Board Regulation)

n. Minimum Requirements—Junior High Schools: Effective on and after July 1, 1919.

(1) The Junior High School shall embrace, and organize on a departmental basis, the seventh, eighth, and ninth grades.

(2) The Junior High School shall have at least two teachers for the first six elementary grades—three being recommended—when the elementary grades are taught in connection with the Junior High School, and at least two teachers for the seventh, eighth, and ninth grades.

(3) The teachers in the Junior High School grades shall hold one of the following certificates:

- (a') Collegiate Professional;
- (b') Collegiate;
- (c') Normal School Professional;
- (d') Special for High School Subjects.

(4) The combined teaching force of the Junior High School must be qualified to provide instruction, among other subjects, in Home Economics, Agriculture, Physical Education, and Music.

(5) The length of the term shall be at least nine months in both elementary and Junior High School grades; provided however, when exceptional conditions justify it, the Supervisor of High Schools, after a personal examination of these conditions, may permit the individual school to maintain a shorter term, provided it is not less than eight months.

(6) The equipment for a Rural Junior High School must include:

- (a') A library of suitable general reading and reference material.
- (b') Laboratory equipment for instruction in General Science and Agriculture.
- (c') Shop equipment for Manual Arts training in woodwork, at least
- (d') Equipment for instruction in Cooking, Sewing, and a general Home-making Course.

(7) The program of studies to be taught in such schools is to be outlined and supervised in detail by the Supervisor of High Schools.

(8) The program of studies for the Rural Junior High School shall include, among other subjects, the following:

- (a') English.
- (b') The Social Studies.
- (c') Science: General Science, Agriculture (or Economic Geography) Home Economics.
- (d') Manual Arts.
- (e') Mathematics:
 - a'. Common Arithmetic.
 - b'. Business Arithmetic.
 - c'. Simple Bookkeeping (Applied to the Farm.)
 - d'. Algebra, Geometry and Farm Accounting.
- (f') Music Appreciation and Glee and Song Singing.
- (g') Physical Education.

(9) The building in which the Junior High School is taught must provide at least four class-rooms and suitable rooms for laboratory work in General Science, Agriculture, Home Economics, and Manual Arts.

Note.—Consult the Supervisor of High Schools concerning State appropriations and detailed specifications for laboratories and laboratory equipment. (State Board Regulation)

12. Pupils.

a. Who May be Admitted to Public Schools:

(1) The public free schools shall be free to all persons between the ages of seven and twenty years residing within the school district and

*The larger schools, with sufficient teaching force and equipment, may submit programs of studies to the Supervisor of High Schools, providing for wider election of subjects, the supervisor of high schools having authority to approve such provisions.

persons six years of age may be admitted to primary grades and persons under six years of age to such kindergartens as may be established by local school authorities and operated as a part of the public school system, but such kindergartens shall not be entitled to participate in the State school fund, but shall be supported by the local authorities at their option. But whenever a school is so situated in one district that it is, with the approval of the division superintendent, attended by children of another district, the board of the district other than that in which the school is located shall, in the absence of agreement or when no agreement can be reached, pay for each child to the district in which the school is located the cost of education per pupil enrolled, to be determined by the division superintendent of schools, with right of appeal by any person interested, or either of the district school boards, either with reference to the propriety of said attendance by children of another district or the cost of education as aforesaid, within ninety days; that said appeal to be made in writing to the school trustee electoral board of the county in which the school is located; and the State Board of Education shall have power and it shall be its duty to make regulations whereby the children of one district may attend school in an adjoining district, out of the county or an adjoining city; provided that white and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness and efficiency. (Acts of Assembly 1920, page 59). (Amending Code, Sec. 719)

(2) *Qualifications of preceding section:*

First. Any person domiciled in this State who is a resident of any school district of the State may send his children to any public free school in any other school district of the State upon such terms and conditions as may be prescribed by the school board of the said last mentioned school district, and any guardian domiciled in this State as aforesaid, for his ward or wards, shall be entitled to the same privilege for them if they are domiciled in Virginia, which said terms and conditions shall be complied with by the school district; which said parent or guardian resides; provided that the said school district in which said parent or guardian resides shall have the right of appeal to the school trustee electoral board of the county in which said district is situated, which said school trustee electoral board shall decide finally what are just and proper terms and conditions in each case; and provided, further, that children whose parents or guardians do not reside in a city shall be received into the public schools of such city only upon such terms and conditions as may be prescribed by the school board thereof, subject to an appeal to the State Board of Education, but the provisions of this section shall not apply to indigent children, and children living with and entirely supported by residents of said district shall be admitted to the public free schools of said district as if they were children of said residents.

Second. The school board of any district bordering on another State which grants the same privilege to the State of Virginia may, in its discretion, admit into its schools, free of tuition, persons of school age residing beyond the limits of this State, but near thereto, if their parent or guardian pay taxes in the said district.

Third. Attendance shall be upon the school in the district nearest to the residence of the pupils, unless otherwise ordered by the district school board subject to the regulations of the State Board of Education. (Code, Sec. 720)

b. Provision for persons other than those of school age:

(1) *Between twenty and twenty-five.*—Any board of district school trustees may, in its discretion, admit as pupils into any of the public free schools of its district, persons between the age of twenty and twenty-five years on the prepayment of tuition fees, under regulations to be prescribed by the State Board of Education, provided, the admission of such pupils will not, in the opinion of the district board, impair the usefulness and efficiency of such school.

(2) *Regardless of age if in night schools.*—And the board of district school trustees in districts where day schools are conducted for eight or more months each year may, in its discretion, and by and with the consent of the State Board of Education, and under rules and regulations to be prescribed by said State Board of Education, establish and conduct night schools to which may be admitted pupils regardless of their age; but no such schools shall be established or conducted except in cases where, in the opinion of the said State Board of Education, the usefulness and efficiency of the day schools would not be impaired thereby. (Code, Sec. 721)

c. Minimum required for a school.—A minimum number of pupils, under regulations to be prescribed by the State Board of Education, shall be required in order to form a public free school. (Code, Sec. 723)

d. Required enrollment:

An enrollment of at least twenty pupils, with reasonable assurance of an average daily attendance of that number, is required to constitute a public free school, and no public school shall be established or continued until this condition is complied with; but boards of trustees, when satisfied that there is not a sufficient number of children in any school neighborhood to entitle them to a school under this regulation, and that the geography of the district is such that no judicious rearrangement of the several schools can be so made as to furnish the minorities proper school facilities, may certify a statement of the case, with a diagram of the section to be accommodated to the division superintendent, who shall forthwith visit the section in question, and if he finds that the statements made are correct, and that the neighboring schools are judiciously located and cannot be so arranged as to furnish the minorities fair school facilities, he may authorize the board of trustees to reduce the average attendance of such school to fifteen. In cases where the average attendance is reduced by reason of a factious spirit on the part of one or a few people, or in consequence of the proper or necessary exercise of discipline, prevalence of contagious diseases, or lack of proper supply of text-books, the district board may continue such schools, if they deem it advisable to do so; provided, that all such cases shall be reported to the division superintendent and be approved in writing by him. (State Board Regulation)

e. State Superintendent may permit enrollment of ten:

But in special cases the Superintendent of Public Instruction, in his discretion, may, on the recommendation of the division superintendent, order such a school opened where an average of ten can be maintained. (State Board Regulation)

f. Sight and hearing of pupils in public schools to be tested.—The Superintendent of Public Instruction shall prepare or cause to be prepared, upon the advice and approval of the State Board of Health, suitable test cards, blanks, record books, and other needful appliances, to be used in testing the sight and hearing of the pupils in the public schools, and shall also obtain necessary instructions for the use thereof; and shall furnish the same free of expense to all the schools of the State, upon request of the school board of any county or city, accompanied with the statement from the clerk thereof that the said board had by resolution adopted the use of said test cards, blanks, et cetera, and had directed the use thereof in schools under their charge, and within fifteen days after the beginning of the term,

or after receiving the said test cards, et cetera, the principal or teacher in all said schools shall test the sight and hearing of all the pupils under their charge, and keep a record of such examinations in accordance with instructions furnished, and whenever a pupil is found to have any defect of vision or hearing, or disease of the eyes or ears, he shall forthwith notify the parent or guardian, in writing, of said defect, with a brief statement thereof. Copies of said reports shall be preserved for the use of the Superintendent of Public Instruction, as he may require. (Code, Sec. 724)

g. Physical training and health instruction provided for.—Be it enacted by the General Assembly of Virginia, That the board of supervisors of the several counties and the councils or other governing bodies of the several cities and towns be, and they are hereby authorized to make appropriations out of the county, city or town funds, as the case may be, to provide for the health examination and physical education of school children and the employment of school nurses, physicians and physical directors, and such appropriations shall be placed to credit of the county or city, or town school board. Previous to employment, all said nurses, physicians, or physical directors shall be approved by the Health Commissioner of the Commonwealth and the State Superintendent of Public Instruction.

(1) That an amount not exceeding one-half of the annual salary of each physical director appointed in accordance with section one of this act may be paid by the State Board of Education to the local school trustees employing such physical director, and an amount not to exceed one-half of the annual salary of each nurse or physician appointed in accordance with section one of this act may be paid by the State Board of Health to the local school trustees employing such nurse or physician.

(2) That after the first day of September, nineteen hundred and twenty, all pupils, in all the public elementary and high schools of the State shall receive as part of the educational program such examination, health instruction, and physical training as shall be prescribed by the State Board of Education and approved by the State Board of Health, in conformity with the provisions of this act.

(3) In order that the teachers of the Commonwealth shall be prepared for health examinations and physical education of school children, every normal school of the State is hereby required to give a course, to be approved by the Superintendent of Public Instruction and the State Health Commissioner, in health examinations and physical education, including preventive medicine, physical inspection, health instruction and physical training, upon which course every person graduating from a normal school must have passed a satisfactory examination, and every normal school certificate shall, therefore, indicate as a prerequisite a knowledge of preventive medicine, physical inspection, health instruction, and physical training.

(4) The State Board of Education, with the approval of the State Board of Health, shall establish regulations whereby on or after September, nineteen hundred and twenty-five, no applicant may receive a certificate to teach in the schools of this State who does not present, first, satisfactory evidence of having covered creditably an approved course in general physical education in a training school or course for teachers recognized by the State Board of Education as a school or course in good standing. But the State Board of Education may modify or waive entirely the requirements of this section whenever in its opinion such modification or waiver is necessary to prevent the impairment of the teaching force of the public school system.

(5) The State Board of Education, with the approval of the State Board of Health, shall appoint a supervisor of physical education qualified and authorized to supervise and direct a program of hygienic instruction and physical education for the elementary, secondary, and normal schools of the State, and shall appoint such other employees and authorize such

expenses for personal service, printing, and so on, as may be necessary to the proper and effective administration of the program authorized by this act. (Acts 1920, page 495).

h. Pupils with contagious diseases to be excluded from public schools.—Persons suffering with contagious diseases shall be excluded from the public free schools while in that condition. Every teacher and pupil shall, within ten days after entering a public free school, furnish a certificate from a reputable physician certifying that such teacher or pupil has been successfully vaccinated, or is entitled to exemption by reason of peculiar physical condition; but nothing in this section shall preclude a school board from requiring immediate vaccination in case of an epidemic of smallpox, or the annual revaccination of those who have not furnished certificates of proper vaccination. The operation of so much of this section as concerns vaccination may be suspended in whole or in part by the school board of any city or county. (Code, Sec. 1529)

i. Compulsory vaccination free to poor.—The council of any city or town and the board of supervisors of any county, when in their judgment occasion requires, may cause persons residing within the limits of such city, town, or county to be vaccinated with genuine vaccine matter; and the council of any city or town and the board of supervisors of any county may enforce obedience to its ordinance or orders, as the case may be, by fixing fines and penalties for the violation of said ordinance or orders. Should any person, including children who attend the public schools, be unable to pay for vaccination such person shall be vaccinated with genuine vaccine matter at the cost and expense of the city, town, or county, and provision shall be made therefor by the council of the city or town or by the board of supervisors of the county. (Code, Sec. 1530)

j. Persons unable to claim benefits of public school may be admitted:

In order to extend educational privileges to persons unable to avail themselves of the full benefits of the public schools—

(1) Any district board may, in its discretion, and upon such terms and conditions as the division superintendents may approve, admit such persons into any of the schools of the district, provided their admission will not, in the opinion of the board and the superintendent, impair the usefulness and efficiency of the schools. No such person shall be retained in any school to the detriment of the school or any of its pupils, or to the exclusion from the school of any child between the ages of seven and twenty years.

(2) Any district board may establish and conduct night or evening schools or classes as provided by section 102 of school law, upon such terms and conditions as the division superintendent may approve.

Every person received into the public schools in accordance with the provisions of this regulation shall submit to the regulations of the school and to the authority of the teacher in like manner as other pupils. (State Board Regulation)

k. Pupils may be admitted regardless of dividing lines:

Pupils may in all cases be admitted into the high schools or graded schools of more than one teacher by the authorities thereof without reference to the dividing lines of districts or counties, unless forbidden by act of Assembly. In this and in all other cases where pupils attend schools outside of their own districts in accordance with these regulations, the rate of tuition to be charged by the district receiving the pupil against the district to which the pupil belongs, shall be a matter of previous agreement between the school boards of the two districts concerned. (State Board Regulation)

l. Mixed schools prohibited.—(Sec. 140, Constitution of Virginia.) (See section 9, page 8, this volume)

n. Who is considered a colored person.—Every person having one-sixteenth or more of negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more of Indian blood shall be deemed an Indian. (Code, Sec. 63)

n. Attendance compulsory between certain ages:

(1) Be it enacted by the General Assembly of Virginia, That every parent, guardian or other person having charge or control of any child between the ages of eight and twelve years, shall be required to send such child to a public school of this Commonwealth for at least sixteen weeks in each school year, which attendance shall commence at the beginning of the school term, unless otherwise ordered by the district school board, and shall be as nearly continuous and consecutive as conditions will permit, provided, however, that this act shall not apply in the case of any child weak in body or mind, able to read and write or attending a private school, or living more than two miles by the usually traveled route from the nearest public school, or more than one mile from the line of an established public free wagon route, or excused by the district school trustees.

(2) Each district school board in the State shall, within fifteen days after the schools open in the fall, ascertain the condition of all children between the ages of eight and twelve who are not in attendance upon any public school, and shall report all violations of this act to the division superintendent, who shall at once proceed to prosecute each and every offense.

(3) In all cases of non-enrollment and non-attendance reported to him, the division superintendent shall make a careful investigation of the facts in the case, and where no valid reason for non-enrollment and non-attendance is found, he shall give written notice to the parent, guardian, or other person having control of the child, and in the event of the absence of the parent, or guardian or other person having control of the child from his or her usual place of residence, the division superintendent shall leave a copy of the notice with some person over twelve years of age residing at the usual place of residence of such parent, guardian, or other person having control of such child with instructions to hand such notice to such parent, guardian, or other person having control of such child which notice shall require the attendance of such child at the school therein named, within seven days from the date of said notice.

(4) If within seven days from the date of the service of the notice as aforesaid, the parent, guardian, or person having control of such child does not comply with the provisions of this act, then the division superintendent shall make complaint in the name of the Commonwealth of Virginia before a justice of the peace or a police justice of the district or city in which such parent, guardian, or other person having control of such child resides, or complaint may be made in the corporation or circuit court of the city or county in which such child resides, which officers and courts are hereby clothed with jurisdiction over all offenses and the proceedings under this act with full power to hear and try all complaints, impose fines, penalties and fully execute the provisions of this act.

(5) Any parent, guardian, or other person who fails to comply with the provisions of this act shall be guilty of a misdemeanor and shall be liable to a fine not exceeding twenty dollars for each offense. Such fine shall be collected as other fines imposed in the name of the Commonwealth of Virginia are collected.

(6) The clerk of the district school board in each district shall report to the division superintendent every offense against the provision of this act when a member of the district school board, or any citizen of the district in which the offending party resides files with him an affidavit setting forth the facts constituting the offense and if he neglect to do so within fifteen days after such affidavit is filed, he shall be liable to a fine of not less than five and not more than ten dollars for each case of such neglect, to be collected in the name of the Commonwealth before any court or competent jurisdiction by any person feeling aggrieved thereby.

(7) Two weeks' attendance at half time or night shall be considered within the meaning of this act equivalent to an attendance of one week at a day school.

(8) The school board of any city shall have the right, in its discretion, to appoint a truant or attendance officer to perform in said city the duties required of the clerk of the district school board and division superintendent in the counties, which officer so appointed shall in his city, have all the rights and perform all of the duties prescribed for the clerk of the district school board and division superintendent in counties, as aforesaid; and in case no truant or attendance officer is appointed in any city, as aforesaid, the rights and duties prescribed for the clerk of the district school board and division superintendent in counties shall in such cities devolve upon and be performed by the clerk of the city school board and division superintendent.

Be it further enacted by the General Assembly of Virginia, That an act entitled an act to provide (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia and providing penalties for failure and designating the manner of collecting such penalties, approved March fourteenth, nineteen hundred and eight, be and the same is hereby repealed. (Acts 1918, page 752)

o. Individual drinking cups required.—(See School Buildings, Section d, page 79)

13. Census of School Children.

a. At a time to be designated by the State Superintendent of Public Instruction, prior to June one, nineteen hundred and twenty, and every five years thereafter, a census of all persons between the ages of seven and twenty years, residing within each school district, shall be taken on forms furnished by the Superintendent of Public Instruction. Said census shall be taken by agents appointed by the district school board on the recommendation of the division superintendent, and each agent shall receive as compensation for his services, to be paid out of the district school fund, an amount to be fixed by the particular board, not to exceed, however, six dollars per hundred of the children listed by him, subject to abatement, on the discovery, before or after the settlement of the account, of errors or omissions in the list. The agents mentioned in this section shall also, at the time of taking the census aforesaid, gather statistics relating to the interest of education in their respective districts according to forms furnished by the Superintendent of Public Instruction. The list prepared under the preceding part of this section shall be submitted for careful revision to the district school board as soon as may be after their completion, and shall at all time be opened to the inspection of any citizen. When so revised, they shall be submitted, along with the other papers of the district, to the county school board at its annual meeting and immediately delivered to the division superintendent.

In addition to the census provided for above, there shall be taken at a time to be designated by the Superintendent of Public Instruction, prior to June one, in the year nineteen hundred and twenty-one, and in every year thereafter, except those years in which the quinquennial census is taken, a cumulative census. The latter shall be recorded on census cards to be provided by the Superintendent of Public Instruction, and shall be based on information which the respective division superintendents may secure from teachers, parents, local school leagues, and reports submitted to them by the bureau of vital statistics, which bureau is hereby directed to give the respective superintendents such relevant information in its possession relating to the school population of their respective divisions as said superintendents may request. The cumulative census shall deal only with additions and corrections of the quinquennial census. (Acts 1920, page 72, amending Code, Sec. 653)

b. **Census of the deaf and the blind; division superintendent to transmit consolidated report to the School for the Deaf and the Blind.**—(1) At the time the quinquennial census provided for by the preceding section is taken by the same agents a separate census of the deaf and blind persons between said ages residing within the school district, giving the sex, age, and residence of each, and a copy thereof shall be returned to the division superintendent. For this service the agents shall receive the same compensation as that allowed for listing other children, and out of the same fund. The division superintendent shall consolidate therefrom of the county and transmit the same to the superintendent of the school for the deaf and blind.

(2) An emergency existing by reason of the necessity of taking the quinquennial census in the year 1920, this act shall be in force from its passage. (Acts 1920, page 73, amending Code, Sec. 64).

14. School Funds.

a. Sources:

(1) *State funds*, embracing the annual interest on the literary fund; all appropriations made by the General Assembly for public free school purposes; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury and not returnable to the counties, and such tax on property, not less than one mill nor more than five mills on the dollar, as the General Assembly, from time to time, order to be levied. These funds shall be applied exclusively to the maintenance of primary and grammar schools.

(2) *County funds*, embracing such tax as shall be levied by the board of supervisors in pursuance of the following section, and donations, or the income arising therefrom, or any other funds that may be set apart for county school purposes.

(3) *District funds*, embracing such tax as shall be levied by the board of supervisors of the county for the purposes of the school district in pursuance of the following section; such dog tax as shall be applied to school purposes by the board of supervisors, and donations, or the income arising therefrom, or any other funds that may be set apart for district purposes, (Code, Sec. 739)

b. Money appropriated by Congress under "forest reserve act":

(1) All money or moneys which shall have already been paid, or which may hereafter be paid to the State of Virginia under an act of Congress approved May twenty-third, nineteen hundred and eight, and arising from the "forest reserve," shall be paid over to the Auditor of Public Accounts, and be turned into the State treasury, to be distributed and disposed of as provided in the following section. (Code, Sec. 742)

(2) The treasurer of each county in which there is situated any land owned by the United States government and known as "forest reserve" shall ascertain the area of said land so situated in his county, and the "reserve" in which the same is located, and make report thereof to the Auditor of Public Accounts. Upon receipt of such information from the treasurer, the Auditor of Public Accounts shall apportion the amount received by him from the "reserve" in which the said land is located among the counties in which the said "forest reserve" is located, according to the area in each county; or if all of the fund received from one reservation lies in one county, it shall all be apportioned to that county, and the Auditor of Public Accounts

shall draw his warrant on the State treasury in favor of the treasurer of each county for the amount apportioned to said county, and such treasurer shall receive the same and place the funds to the credit of the public schools and the public roads of his said county, as hereinafter provided. (Code, Sec. 743)

(3) The funds above apportioned to the various counties shall by the treasurers thereof be placed to the credit of the magisterial districts in which the said land is located, in equal proportions, to the credit of the public schools and the public roads of said district; and if the land lies in two or more districts it shall be apportioned among them according to the area in each. (Code, Sec. 744)

(4) The Auditor of Public Accounts shall keep separate accounts of all funds received by him under the three preceding sections, designated as the "forest reserve fund." (Code, Sec. 745)

c. *Literary Fund.*—The proceeds of all fines collected for offenses committed against the State and directed by section one hundred and thirty-four of article nine of the Constitution of Virginia to be set apart as a part of a perpetual and permanent literary fund shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the literary fund, and shall be used for no other purpose whatsoever. (Code, Sec. 738)

(1) *Loans from Literary Fund made by State Board of Education.*—The State Board of Education is hereby authorized to lend to the school boards of the school districts and cities in this State making application therefor, money belonging to the literary fund and in hand for investment, for the purpose of erecting or enlarging school houses in such districts and cities, on the terms and conditions hereinafter set forth and subject to such rules and regulations as may be promulgated by the said board. (Code, Sec. 757)

(2) *School boards authorized to borrow from Literary Fund.*—(See Section (1), page 61). (Code, Sec. 758)

(3) *Superintendent of Public Instruction must approve plans and specifications of buildings on which school boards desire to borrow money from Literary Fund.*—(See Section g, page 19). (Code, Sec. 759)

(4) *Rate of interest.*—All loans not exceeding three thousand dollars shall bear interest at the rate of three per centum per annum, and all loans over said amount shall bear interest at the rate of four per centum per annum, payable on the day of The principal thereof shall be payable in fifteen annual instalments, and shall be evidenced by bonds or notes payable to the Commonwealth of Virginia for the benefit of the literary fund—executed or signed by the chairman of the school boards of each district and attested by the clerk thereof. Payments of interest and principal shall be made to the State Treasurer through the Second Auditor and evidences of debt taken for such loans shall be deposited with the Second Auditor and kept by him. (Code, Sec. 760)

(5) *Provision for payment of Literary Fund loans.*—The school boards borrowing funds under the provisions of this chapter shall request the boards of supervisors or the councils of their respective counties or cities or towns to cause a district tax to be levied sufficient to meet its liabilities on such contract; and in the event that such board shall fail to pay any instalment of interest or principal promptly, then upon notice in writing

to that effect from the Second Auditor or from the Superintendent of Public Instruction, the county or city treasurer or other person having the custody of the district funds of such district shall pay to the State Treasurer, through the Second Auditor, any such past due instalment of interest or principal out of any district funds in his hands belonging to the district or school board. The failure of the school board of a district or city, or the board of supervisors, or the council of a city or town to provide for the payment of such loan shall be deemed a cause for removal from office. (Code, Sec. 761)

(6) *Title must be satisfactory to State Board of Education.*—Before making any loan under this chapter, the State Board of Education shall be satisfied that the school district or board borrowing the fund has a good and sufficient title in fee to the real estate on which the proposed building is to be erected, or that the same has been leased by the local school authorities for a period of twenty years, or more, upon such terms that there is no liability of the loss of any money that may be loaned under the provisions of this chapter, and that the same is free from incumbrances, and shall take proper measure to secure the expenditures of the money for the purpose for which it is loaned and in cases where loans are made for the enlargement of school houses, previous loans thereon made from the literary fund shall not be considered an incumbrance within the meaning of this section; but, in no case shall the total amount of loans from the literary fund be in excess of the amount herein prescribed, nor more than two-thirds of the cost of such school house and the addition thereto. (Code, Sec. 762)

(7) *Loans to be a lien upon buildings and grounds.*—All loans made under this chapter, including interest thereon, shall constitute a specific lien on said school houses and any additions thereto and upon the school lots whereon said buildings are situated; and all such buildings shall be kept fully and adequately insured for the benefit of the literary fund of the Commonwealth of Virginia, and the policy or policies of insurance shall be kept on file in the office of the Second Auditor.

No loans shall be made under this chapter in any case in which the payment of the same with interest would, in the judgment of the State Board of Education, entail too heavy a charge upon the revenues of the school district to which such loan is granted. (Code, Sec. 764)

(8) *State Board to make regulations for distribution of loans.*—(See Section 16, page 15). (Code, Sec. 763)

d. School boards may issue bonds:

(1) Whenever the school board of any school district in any of the counties of this State shall, by resolution duly spread upon the minutes of the proceedings of such board, declare that an additional school house or school houses are necessary to provide additional public school facilities for the children of school age in such district and the school funds of such district will not be sufficient to provide such additional school building or buildings, and to furnish the same, and the statement of facts contained in the resolution of such school board shall be confirmed and approved by resolution of the board of supervisors of the county wherein such school district is located, the school board of any such district may, when authorized by a vote of a majority of the qualified voters of any such district voting, as hereinafter provided, borrow money for the purpose of erecting a school house or school houses herein and for furnishing the same, and may issue either registered or coupon bonds for the sums of money so borrowed; the said bonds to be payable at a period not exceeding thirty years after their date, and to be made redeemable at the option of any such school

board at such time after their date as may be specified in the bonds, and such bonds shall bear interest at a rate not exceeding six per centum per annum, payable either annually or semi-annually, as the school board may prescribe; but no such bonds shall be sold for less than their par value, and at no time shall the aggregate amount of bonds issued and outstanding in any school district exceed seventeen per centum of the aggregate assessed value of the real estate located in such school district. (Code, Sec. 765)

(2) *Form and denomination of bonds; how signed; lien upon school property.*—The said bonds shall be of such form and denomination as the school board of any such school district, by resolution spread upon the minutes of the board, may prescribe, and shall be signed by the chairman and attested by the secretary of the board, and there shall be a lien upon the school property erected and procured with the proceeds of the sale of any such bonds for the payment of the principal thereof, and the interest to accrue thereon; and if it shall be so stated on the face of the bonds, there shall be a lien on all the school property of the school district issuing and selling the same for the payment of the principal thereof and the interest to accrue thereon. (Code, Sec. 766)

(3) *Proceeds can be used for erecting and furnishing school buildings only.*—The proceeds realized from the sale of any such bonds issued under the provisions of this chapter shall not be used for any other purpose than that of erecting school buildings and furnishing the same. (Code, Sec. 767)

(4) *No bonds to be issued until election is held.*—No bonds shall be issued under the provisions of this chapter unless authorized by a vote of the majority of the qualified voters of the school districts proposing to issue the same, voting at a special election to be ordered and held as hereinafter provided. (Code, Sec. 768)

(5) *By whom election is ordered and conducted; notice required.*—When the resolutions of the school board and board of supervisors shall be certified to the circuit court of the county in which any such school district is located, together with the location of the school house or school houses to be erected, with the plans, specifications, and estimated cost thereof, approved by the division school superintendent and the Superintendent of Public Instruction, the said court shall order a special election to be held in any such district at such time and after such notice (which shall not be less than two weeks), as the court may prescribe by order entered upon its minutes, to pass upon the question whether such bonds shall be issued or not, for the amount recommended by the school board of such district. And the clerk of the court shall give the notice required by the court of such special election by publication in some newspaper of the county in which such school district is located, and if there be no newspaper published in such county, then in a newspaper published in some adjoining county, or nearby city or county, and by having the same posted by the sheriff of the county in at least ten conspicuous points in any such school district, which said notice shall state the amount of bonds to be issued, the purpose of the proposed issue thereof, and whether the said bonds shall be a lien on all the property in the district or a part thereof. The clerk and sheriff of the county shall each receive for their services hereunder two dollars, to be paid out of the county treasury. (Code, Sec. 769)

(6) *Who to prepare tickets; election held as general elections are held.*—The electoral board shall prepare the tickets and the board of supervisors shall provide all other necessary details for such special election, and shall pay the expenses thereof out of the funds of the county, and any

such election shall be conducted and held in like manner as regular elections, and the laws of the State applying to general elections shall apply to such special elections, except as otherwise provided in this chapter, and the judges and clerks of the regular elections in said district shall be the judges and clerks in any such special election, and shall receive the same compensation; and the voting precincts in any such district for general elections shall also be the same for any such special elections. (Code, Sec. 770)

(7) *Who to canvass returns, etc.*—The judges and clerks of such special elections shall canvass the vote and certify the same to the county clerk in the same manner as required by law in general elections, and on the second day following such special elections, it shall be the duty of the county clerk, the Commonwealth's attorney, and the commissioner of revenue, who are hereby constituted a board of canvassers for that purpose to meet in the clerk's office of said county and to canvass the returns of such special elections, and to certify the results ascertained by them to the board of supervisors of the county, who shall spread the same upon the minutes of the board, and when this shall have been done, if no notice of contest of said election shall have been filed within ten days after said election, the certificates of the canvassing board, hereby created, shall be conclusive of the legality and regularity of said special election and of the result thereof (Code, Sec. 771)

(8) *Who may vote at such election.*—All registered voters of any such school district who were qualified by law to vote in the last preceding general election shall be qualified to vote in any such special election. (Code, Sec. 772)

(9) *How interest and principal of bonds to be paid.*—From the school levies of any such school district there shall be paid as it matures, the interest on the bonds hereby authorized, and there shall be set aside annually, as a sinking fund, such a sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of schools for said county, select. The said school board shall annually report to the board of supervisors of the county the amount of the debt outstanding and the amount and condition of the sinking fund. (Code, Sec. 773)

e. *Loans from county school board.*—Where any county school board in this State is possessed of funds, derived by gift or devise, the said county school board is authorized to loan to the school districts in their respective counties, a sum of money not exceeding one thousand dollars, for the purpose of building school houses in said district, the amount to be loaned to be proportioned according to school population in each district, so that one district may not obtain a greater proportion than another, and the said district school board is authorized to execute and deliver to the county school board, their obligation for any amount so borrowed. The money so borrowed shall be expended by district school boards in building such school houses as their sound discretion may decide upon.

f. *Levies laid by board of supervisors.*—Be it enacted by the General Assembly of Virginia, That each county, city, town, if the same be a separate school district, and school district, is authorized and required to raise sums by a tax on property of not less than fifty cents nor more than one dollar in the aggregate on the hundred dollars of the assessed value of property in any one year to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require.

The boards of supervisors of the several counties and councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local taxes, and an additional tax of not exceeding twenty-five cents on the one hundred dollars of the assessed value of property may be levied by each county, city, town, if same be a separate school district, and school district, in order to provide for the interest and sinking fund of any loans negotiated or bonds issued for such purposes, said tax to be levied and collected in accordance with the provisions of this act.

Sections seven hundred and forty and twenty-seven hundred and twenty-one of the Code of Virginia are hereby repealed.

This act shall not be effective unless a proposed amendment to section one hundred and thirty-six of the Constitution of Virginia, submitted, or which may be submitted, by the present General Assembly to a vote of the people for ratification at the regular November election of nineteen hundred and twenty, shall be ratified by the people at said election, in accordance with law, in which event this act shall be in force on and after January first, nineteen hundred and twenty-one.

g. Boards of supervisors may make appropriations.—The board of supervisors of any county may, in its discretion appropriate to the support and maintenance of the schools in any school district of the county, such sums as in its judgment may be necessary or expedient. (Acts 1920, page 74)

h. Levy laid by council in cities.—The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed fifty cents on the one hundred dollars of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy.

i. Assessment of school taxes.—All taxes imposed for public free school purposes, whether by the State or by or for any county, or by or for any school district, shall be assessed at the same time and in the same manner as are State and county taxes for ordinary purposes; and in any county or district where such tax has been levied by the board of supervisors of the county, it shall be the duty of the commissioners of the revenue therein to extend such tax in the copies of their land and property books which they return to the treasurer of the county. Where two or more school districts are included in the same commissioner's district, it shall be his duty, when he extends the school tax in his land and property books, to keep separate the tax for each school district, indicating by name or number the district wherein the property is taxed. It shall be the duty of the Auditor of Public Accounts to have the land and property books prepared with three columns, one for entering the county school levies, one for entering the district school levies, and the third for entering the name or number of the district wherein the property is taxed. It shall be the duty of the Auditor of Public Accounts to have the land and property books prepared with three columns, one for entering the county school levies, one for entering the district school levies, and the third for entering the name or number of the school district where in the property is taxed. The said land and property books shall be so ruled as to provide for the proper assessing of all local school taxes, including those on property, et cetera, not assessed with State taxes. (Code, Sec. 752)

j. Library Fund:

(1) Whenever the patrons and friends of any public free school shall raise by private subscription and tender to the clerk of the district or city school board, for the establishment of a library to be connected with the

said school, the sum of fifteen dollars, the school board shall appropriate the sum of fifteen dollars for this purpose, and shall appoint one intelligent person in the school district, or city, the manager of said library. The district board shall also appoint one competent person well versed in books to select books for the libraries that may be established under the provisions of this section from lists of books approved by the State Board of Education and at such prices and under such rules and regulations as may be prescribed by said board of education; but no school board shall be obliged to appropriate money for more than five libraries as aforesaid in any one year.

(2) *Who shall order books for State aided libraries.*—As soon as any school board shall have made an appropriation for a library in the manner prescribed and the person appointed to select the books shall have submitted the list of books to be purchased and the prices of the same to the clerk of the school board, the clerk of said school board shall forward an order for the said list of books, with a warrant for not less than forty dollars made payable to the contractor or dealer with whom the State Board of Education shall have made arrangements to furnish the books under the provisions of the preceding section, to the division superintendent of schools; whereupon the division superintendent of schools shall forward the order for said list of books or a copy thereof, an application for State aid and the warrant aforesaid to the Department of Public Instruction. Upon the receipt of said order and warrant the State Board of Education shall remit to the treasurer of the county or city in which such school is situated the sum of ten dollars, the State's contribution for the purchase of books, as aforesaid, and the Department of Public Instruction shall forward the order and the warrant to the said dealer or contractor under rules and regulations to be formulated by the State Board of Education. The treasurer shall have no commission for receiving and disbursing the funds provided for in this and the preceding section. The State Board of Education shall fix rules and regulations looking to as wide a distribution of the funds as may seem practicable. The district school board shall furnish a neat book-case with lock and key for each library upon application of the manager thereof.

(3) *Local manager to carry out regulations etc.*—The local manager of every library shall carry out such rules and regulations for the proper use and preservation of books as may be prescribed by the State Board of Education. The local managers of two or more libraries may be permitted to exchange libraries under rules and regulations to be prescribed by the State Board of Education.

k. *Federal Fund under Smith-Hughes Act of Congress.*—Be it enacted by the General Assembly of Virginia, That an act entitled an act to provide for the acceptance of the conditions of the Federal act, commonly called the Smith-Hughes Bill (Public No. 347, 64th Congress), and authorizing the State Board of Education to act as a State Board of Vocational Education for the Commonwealth, and authorizing the Treasurer of the State of Virginia to act as custodian of such funds as may be received from the Federal government, and to pay the same out on warrant drawn by the State Board of Education, and authorizing the State Board of Education to establish a department of vocational education, and appropriating money therefor, approved February 23, 1918, be amended and re-enacted so as to read as follows:

Whereas, an act of Congress (Public No. 347, sixty-fourth Congress), title of which act reads as follows: An act to provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture, in the trades and industries; to provide for co-operation with the States in the preparation of teachers of

vocational subjects; and to appropriate money and regulate its expenditure, was approved February twenty-third, nineteen hundred and seventeen; and,

Whereas, under the terms of the act, the provisions of said act have been accepted by proclamation of the governor, subject to ratification by the General Assembly of Virginia; and,

Whereas, the plan therein proposed for Federal aid in co-operation with the State and local communities is, in the judgment of this General Assembly, wise and beneficial; therefore,

Sec. 1. Be it enacted by the General Assembly of Virginia, That the State Board of Education be, and is hereby delegated to act as the State Board of Vocational Education, to carry out the provisions of said Federal act, and to co-operate with the Federal Board for Vocational Education for the purpose of this act.

Sec. 2. That the Treasurer of Virginia be, and is hereby, appointed custodian for any appropriations allotted by the Federal board for the purposes of vocational education in Virginia, and that he be, and is hereby, instructed to disburse said money upon warrant properly issued by the State Board of Education.

Sec. 3. That the State Board of Education be, and is hereby authorized to take advantage of the appropriations made by the Federal government:

(a) For training of teachers or supervisors or directors of agricultural subjects.

(b) For the training of the trades, home economics, and industrial subjects.

(c) For the pay of the salaries of teachers of the trades, home economics, and industrial subjects.

(d) For the pay of the salaries of teachers, supervisors or directors of agricultural subjects:

Sec. 4. That the State Board of Education be, and is hereby authorized to provide for the proper supervision and management of such schools as may receive the benefits of said appropriations out of such funds as may be at its disposal, for maintenance, supervision, equipment or establishment of agricultural or vocational schools, including departments of home economics and trade work.

Sec. 5. That the State Board of Education be, and is hereby, authorized to establish out of such funds as are available, a department of vocational education for the State, the purpose of which department shall be to study the problems of vocational education, systematize the work in the State and promote and supervise the teaching of such subjects in the schools of the Commonwealth, as will lead to useful and productive employment in rural or urban communities.

Sec. 6. That for the appropriation year ending on the twenty-eighth day of February, nineteen hundred and twenty-one, the sum of seventy-six thousand seven hundred and thirty dollars and eighty-six cents is hereby appropriated, and for the appropriation year ending on the twenty-eighth day of February, nineteen hundred and twenty-two, the sum of eighty-seven thousand five hundred and seventy-seven dollars and seventy-two cents is hereby appropriated, said sums to be paid out of any money in the State treasury not otherwise appropriated, which sums shall, upon the request of the State Board of Education, duly filed with the Auditor of Public Accounts, be turned over by the Auditor of Public Accounts to the Second Auditor, to be disbursed on warrants drawn by the State Board of Education, such sums of money to be used exclusively for the promotion of vocational education in agriculture and in the trades, home economics and industries in high schools, and for the preparation of teachers of vocational subjects, as provided in the said Federal act, to be expended under rules and regulations to be adopted by the State Board of Education.

The boards of supervisors in the several counties of this State, and the councils of the several cities, may appropriate such sum or sums of money as to them may seem proper, in their discretion, for the establishment, equipment and maintenance of such departments of vocational education.

l. **Glebe lands.**—All glebe lands and church property, or the proceeds thereof, which may be appropriated under section thirteen hundred and ninety-six, for education in any county, corporation, or school district, shall be vested in the school board of the county or corporation, and when given to a school district shall be vested in the trustees of said school district as a corporate body, and shall be managed and applied by the said school trustees of such districts according to the wishes of the donor, under regulations prescribed by the county or corporation school board. The revenue or income thereof shall be applied subject to the same penalties and under the same regulations as are prescribed in respect to that portion of the literary fund which is allotted to such county, corporation, or school district. (Code, Sec. 586)

m. **Gifts, devises, etc.**—Every gift, grant, devise or bequest, which since the second day of April, in the year one thousand eight hundred and thirty-nine, has been, or at any time hereafter shall be, made for literary purposes, or for the education of white persons within this State, and every gift, grant, devise, or bequest which, since the tenth of April, in the year one thousand eight hundred and sixty-five has been, or at any time hereafter shall be, made for literary purposes, or for the education of colored persons within this State, and every gift, grant, devise or bequest hereafter made for charitable purposes, whether made in any case to a body corporate or unincorporated, or to a natural person, shall be as valid as if made to or for the benefit of a certain natural person, except such devises or bequests, if any, as have failed or become void by virtue of the seventh section of the act of assembly passed on the said second of April, eighteen hundred and thirty-nine, entitled an act concerning devises made to schools, academies, and colleges. Nothing in this section shall be so construed as to give validity to any devise or bequest to or for the use of any unincorporated theological seminary. (Code, Sec. 587)

n. **Who to take and hold such gifts, etc.**—When such gift, grant, devise, or bequest is to the State Board of Education, or any other corporation, or any county or natural person, the subject shall be taken and held by them respectively. If any such corporation, county or natural person refuse to take and hold, the subject shall be taken and held by trustees appointed as hereinafter directed. In either case it shall be taken and held for the uses prescribed by the donor, grantor, or testator, or such as have been prescribed in any particular case by any law passed since the said act of the second day of April, in the year eighteen hundred and thirty-nine. (Code, Sec. 588)

o. **Appointment of trustees to hold gifts, etc.**—When any such gift, grant or will is recorded, and no trustee has been appointed, or the trustee dies or refuses to act, the circuit court of the county, or the circuit or corporation court of the city in which the trust subject, or any part thereof is, in the case of a gift or grant, or in which the will is recorded, may, on the motion of the attorney for the Commonwealth in such court (whose duty it shall be to make such motion), appoint one or more trustees to carry the same into execution. The trustees, whether appointed by, under, or by authority of such instrument, or under a charter of incorporation granted for the purpose of carrying out its provisions, or under this section, may sue and be sued in the same manner as if they were trustees for the benefit of a certain natural person, or as such charter of incorporation may provide;

and said trustees shall annually render and state before the commissioner of accounts for the county or city wherein the trust subject, or the greater part thereof, is situated, an account showing the investment of the trust funds, the receipts from such investment, or from other sources, and the disbursements of the same, in like manner as is required of every personal representative, guardian, curator, or committee, under chapter two hundred and twenty-one of this Code. In enforcing the execution of any such trust a suit may be maintained against the trustees in the name of the Commonwealth where there is no other party capable of prosecuting such suit. The term "trustees" as herein used shall be construed to mean the persons, or governing body, charged with the execution of the trust, whether designated as "trustees," "directors," or otherwise. A motion under this section may be made before any court in the clerk's office of which such gift, grant or will is recorded. (Code, Sec. 590)

p. Commonwealth's Attorney to have will admitted to record.—The attorney for the Commonwealth for any county or city, in which such will could be offered for probate, shall in the name of the Commonwealth, institute all necessary proceedings to have such will admitted to record. (Code, Sec. 589)

q. Attorney's fees.—The attorney for the Commonwealth, out of the trust subject, may be allowed such fee for his services as said court shall deem reasonable. (Code, Sec. 591)

r. Statutes continued in force.—The first, second, third, fourth, and fifth sections of the act entitled "an act concerning the estate of Martin Dawson, deceased, and for other purposes," passed March tenth, eighteen hundred and forty-one; the act entitled "an act authorizing the rector and visitors of the University to sell certain lands," passed March fifteenth, eighteen hundred and fifty-eight; the act entitled "an act to amend and reenact the twenty-eighth chapter of the Acts of eighteen hundred and sixty-six-seven, so as to provide for the payment of interest upon the Dawson fund," approved January eighteenth, eighteen hundred and seventy-two; and the act entitled "an act to preserve the endowments of the colleges and other literary institutions of this State, where they are held in the obligations of the State," approved March third, eighteen hundred and eighty-two, shall continue in force. (Code, Sec. 592)

15. Custodian of School Funds.

a. County treasurers to receive and disburse all school money; collect school levies and keep separate accounts.—All school moneys to be disbursed in any county shall be received, kept, and disbursed by the county treasurer thereof, subject to similar responsibility as in case of other funds by law committed to him. It shall be his duty also to receive and collect all taxes levied or ordered by the board of supervisors of his county for public free school purposes therein, at the same time and in the same manner, and subject to the same provisions, regulations, restrictions, and penalties as are or may be prescribed by law for the receipt and collection of county levies for other and ordinary purposes. He shall keep the district funds in separate accounts from those of the State and county; but his books shall show whence and on what accounts the moneys were severally derived, and by what order, on what account, and to whom the disbursements were made. He shall make disbursements only in pursuance of a warrant, in writing, from the proper authority, in manner and form as prescribed in this chapter. (Code, Sec. 726)

b. How treasurer's accounts to be rendered and examined.—The county treasurer shall, on the first day of December of each year, or within twenty

days thereafter, make to the division superintendent of schools, on blanks to be furnished by the Superintendent of Public Instruction, a report showing the amount collected on account of the State, county, and district school levies, respectively, prior to the first day of December of said year, on which no penalty is due, and also the balance of each of said levies uncollected, and upon which the penalty of five per centum is to be added, and showing the number and amount of warrants on the State, county, and district funds presented for payment from each district, respectively, the number and amount of such warrants paid by the treasurer, and the balance of State, county, and district funds on hand, and to what districts due. If any treasurer shall fail to comply with the provisions of this section it shall be the duty of the county school board to impose a fine of not less than one dollar, nor more than five dollars a day for each day of such delinquency, the said fine to be deducted from any pay or percentage of such treasurer. The said report shall be verified by the affidavit of the treasurer.

The treasurer of every town constituting a single school district shall perform like duties, be subject to like fines and penalties, and be entitled to the same rate of compensation as the treasurer of a county. (Code, Sec. 727)

c. **Pay warrants.**—All warrants drawn by district school boards upon the State school tax fund shall be paid by the county or city treasurer out of any State funds received by him from the Auditor of Public Accounts or the Second Auditor. But in no case shall he pay out a greater sum for any district than the amount of State school funds apportioned to said district. (Code, Sec. 747)

d. **Residue distributed by State board.**—(See Code of Virginia, Sec. 749, page 290)

e. **Make annual report.**—It shall be the duty of the county treasurer to furnish for the use of the county school board at its annual meeting in July, a report for the school year closing next preceding said meeting, showing in detail all transactions pertaining to the receipt and disbursement of school funds for said school year, together with his books, vouchers, or other official papers, which contain accounts or evidences of receipts or disbursements; and likewise it shall be the duty of the clerks of the district boards to lay before the county school board at the annual meeting, their official record and account books, contracts, deeds and all other official books and papers pertaining to the school business of the year just closed. Upon examination of these records, accounts, or papers, should there appear to have been any delinquency or irregularity in the acts of the treasurer or clerk of the county or district boards, or of any district board, or any member thereof, it shall be the duty of the county school board to cause a minute of the facts to be made in its records, and to take such other action as the case may require. It shall also be the duty of the county school board to cause all warrants which have been presented and paid by the county treasurer at this settlement to be cancelled by some efficient cancelling device, after which the said warrants shall be delivered to the division superintendent, who shall keep the same on file at least twelve months before destroying them. (Code, Sec. 728)

f. **Division superintendent to report Treasurer's failure to make report.**—(See Section 10, page 25). (Code, Sec. 729)

g. **Unexpended School funds, how disposed of.**—All sums of money derived from State funds which are unexpended in any year in any public free school district shall go into the general school fund of the State for re-division next year, unless the State Board of Education direct otherwise; and all sums derived from the county or district funds unexpended in any year shall remain a part of the county or district funds, respectively, for

use the next year. But no sums derived from county or district funds shall be subject to re-division outside of the county or district respectively. (Code, Sec. 730)

h. Treasurer required to furnish statement to division superintendent when he fails to pay school warrant.—(Code, Sec. 731)

i. Treasurer required to place money in depositary, if he fails to pay warrants when he has funds.—Whenever any county or city treasurer refuses or fails to furnish the statement as required in the preceding section in the time and manner therein prescribed, or fails to pay upon presentation any warrant drawn on him for school purposes, having in hand sufficient funds to pay such warrant, it shall be the duty of the school superintendent of such county or city to notify the school board thereof of such failure; and it shall be the duty of such school board and they are hereby empowered to direct that all funds held by the treasurer of the county or city for school purposes, whether they be State, city, county, or district funds, be transferred and paid over by the treasurer of said county or city to such depositary as the said county or city school board may designate. No commission shall be allowed said treasurer for the disbursement of any money he is hereby required to turn over to the depositary. (Code, Sec. 732)

j. What boards shall enter on their minutes.—The county or city school board shall enter on their minutes an order or resolution directing the transfer of funds as provided by the preceding section, and designate the depositary to which said funds are to be paid, and shall cause a copy of said order or resolution to be delivered to the judge of the circuit or corporation court; the treasurer of the county or city, and the several district school boards of their county. (Code, Sec. 733)

k. Depositary to give bond.—Such depositary shall reside in the county or city for which he is appointed, and before receiving any money shall enter into bond with good security before the circuit court of the county or the corporation court of the city or the judge of such court in vacation in such penalty as shall be prescribed by such court or judge, which bond shall be payable to the Commonwealth, and with conditions to faithfully account for and pay over all moneys received by such depositary by virtue of his office. (Code, Sec. 734)

l. Compensation of depositary.—Such depositary shall receive the same compensation as is paid to county and city treasurers for disbursing State school funds, and be subject to the same pains and penalties as are now inflicted by law on county or city treasurers, and be recovered before the same courts and in the same manner as the same are recovered of such treasurers. All laws now in force or hereafter enacted with reference to drawing warrants for school funds on county or city treasurers, the payment of said warrants, making settlements with county or city school boards, rendering statements, paying over funds to depositaries, or in any way affecting the disbursement of funds held by county or city treasurers for school purposes shall apply to such depositaries in like manner as the same apply to such county and city treasurers. (Code, Sec. 735)

m. Warrants to be drawn on treasurer in favor of depositary.—As soon as the bond required of the depositary under section seven hundred and thirty-four has been given, the city school board and the several district school boards shall draw warrants on such treasurer for all school funds in his hands, whether State, city, county, or district funds, in favor of said depositary and deliver the same to the depositary. The warrants shall be signed by the president and secretary of such city or district school board,

and shall be forthwith presented by such depositary for payment to the treasurer of such city or county, who shall pay the same on demand. (Code, Sec. 736)

n. **Penalty on treasurer for failure to pay warrants.**—If any treasurer of any city or county shall fail to pay any such warrant on demand as hereinbefore provided the amount of such warrant, together with damages thereon at the rate of ten per centum per month and costs, including an attorney's fee of five dollars, may be recovered of him and the sureties on his official bond by said depositary in the manner and before the courts mentioned in sections twenty-seven hundred and eighty-seven and twenty-seven hundred and eighty-nine, or either of said sections. And it shall be the duty of such depositary to take such proceedings to recover the amount of such warrants. (Code, Sec. 737)

o. **State funds forwarded Treasurer by Second Auditor on scheme of apportionment furnished by State Superintendent.**—At the proper time, the Superintendent of Public Instruction shall transmit to the Second Auditor and to each division superintendent of schools and treasurer a copy of the scheme of apportionment of State school funds passing through the hands of the said Auditor, and to be distributed among the counties and cities on the basis of the school population. Whereupon the Second Auditor shall forward to the treasurer of each county and city a warrant on the State Treasurer for the amount to which each county and city is entitled, and as soon as the money has been received by the county or city treasurer, he shall inform the division superintendent of the fact. (Code, Sec. 753)

p. **State funds to cities to be deposited with city treasurers.**—The State school funds shall be apportioned to cities separately from their counties; and all funds designed for the benefit of public free schools therein shall be deposited with the treasurers of such cities, and kept by said treasurers in separate accounts, and disbursed only on orders from the city school boards, respectively.

q. **School officers and teachers to have no pecuniary interest in contracts involving school funds:**

(1) It shall be unlawful for any member of the State Board of Education, division superintendent of schools, school trustee, or any other school officer or teacher of a public free school to have any pecuniary interest, directly or indirectly, in any contract for building a public free school house or in furnishing material to a contractor for building such school house, or in supplying books, maps, school furniture or apparatus to the public free schools of this State, or act as agent for any author, publisher, book-seller, or dealer in any such school furniture or apparatus, directly or indirectly, receive any gift, emolument, reward or promise of reward, for his influence in recommending or procuring the use of any book, map, school furniture, or apparatus of any kind in any public free school of this State. Any school officer or teacher who shall violate this provision, besides being removed from his office or post, shall be deemed guilty of a misdemeanor. The State Board of Education in the case of a school officer or teacher being the author of any school book or map, or the inventor of school furniture or apparatus, may, in its discretion, make specific arrangements whereby such school officer or teacher may, if his book, map or invention be adopted by the proper authority, enjoy the benefits of the proceeds thereof without offense; but no unfair advantage shall be allowed over other competitors in securing the adoption of the book, map, or invention. Exception shall also be made in the case of a merchant who in the regular course of trade and without employing agents to solicit such business, sells either books selected and adopted by the State Board of Education or supplies used in the schools and by the pupils. (Code, Sec. 682)

(2) It shall not be lawful for any member of a school board, or any officer of the public free schools, or any firm in which said trustee or officer is interested, or any agent of such trustee or officer, to be concerned in any contract with a public free school board or a committee of such school board for any work or labor ordered to be done, or for goods, wares or merchandise or supplies of any kind ordered by a school board or a committee of such school board, except as provided in the preceding section. It shall be unlawful for any such trustee or officer to sell, convey, or deliver any goods, wares, merchandise, or supplies of any kind to a school board or a committee of such board, or to receive, directly or indirectly, any profit or emolument from any contract with, or sale to, such board or a committee thereof, except as provided in this section. If any such contract or sale shall be made it shall be void, and if such claim or bill be paid, the amount paid, with interest, may be recovered by any county or district within two years after payment by action or motion in the circuit court having jurisdiction over said county or district. (Code, Sec. 683)

r. **Who may not discount warrants.**—It shall be unlawful for any county, district, or school officer, school trustee, or officer of a municipal corporation in this Commonwealth to acquire by purchase, at less than its face value, directly or indirectly, express or implied, any warrant or other evidence of indebtedness issued by any board of supervisors or any common council or board of aldermen of any county, city or town in this Commonwealth, or any warrant or claim issued by any of the public free school officers or school boards of this State for the pay of teachers, or the building of school houses, or purchase of school books, school furniture, or apparatus. Any such officer or trustee violating the provisions of this section shall be deemed guilty of a misdemeanor. The judge of every circuit and corporation court in this Commonwealth shall give this and the two preceding sections specially in charge to every grand jury impaneled therein. (Code, Sec. 684)

s. **Penalties for violations in general.**—Any division superintendent of schools, school trustee, or other school officer, or any teacher in a public free school, who shall by malfeasance or neglect offend against the provisions of this chapter, if no other specific penalty be prescribed, shall be subject to a fine of not less than five nor more than fifty dollars for each offense.

t. **Disposition of penalties.**—All penalties and forfeitures imposed by the school law upon a division superintendent or a county treasurer of the county, and all penalties imposed upon the school trustees or other district school officers, or upon teachers, shall be for the benefit of the literary fund. The suit for such penalties shall be in the name of the Commonwealth, and if prosecuted in a court of record it shall be the duty of the attorney for the Commonwealth for the county to conduct the same. It shall also be the duty of the attorney for the Commonwealth, and any school officer of the county, or of any school district, as the case may be, to set such prosecution on foot: provided, that if a penalty shall be inflicted for any such offense by any of the school authorities in pursuance of the school law, the party shall not be a second time subjected to a penalty therefor.

u. **Use of school funds:**

(1) The State Fund shall be used for the following purposes and none other not authorized by statute:

a'. For the pay of teachers, principals, supervising teachers and supervising principals.

b'. Any residue may be used to pay the drivers of school wagons. But no State funds shall be used in violation of section 1506 of the Code which provides that said fund shall be applied exclusively to the maintenance of primary and grammar schools.

(2) **County Fund.**—County funds shall be used for the following purposes and none other:

a'. For the purposes for which State funds may be lawfully used and to pay high school teachers, principals, supervising teachers and supervising principals.

b'. To pay that part of the salary of the division superintendent which is payable out of the local funds.

c'. To pay the expenses of the school trustee electoral board.

d'. To pay expenses incident to conducting county school fairs and the promotion of farm demonstration work.

e'. To pay the necessary office expenses of the division superintendent when authorized by the county board.

f'. Or for such other purposes as the State Board of Education may allow by special resolution.

(3) District Funds.—The district funds shall be used for the following purposes and none other:

a'. For the purchases of real estate for school purposes and for building, furnishing and repairing school houses including sanitary outhouses and putting and keeping in order the grounds surrounding the same.

b'. For the necessary contingent expenses of the district.

c'. Any residue may be used for any of the purposes for which State or county funds may be lawfully used. (State Board Regulation)

1C. Summer Schools.

a. May be established by State Board of Education.—(See State Board Section 19, page 16).

b. Purpose.—The purpose of said summer schools shall be to familiarize the teachers in the public schools of this State with more advanced methods of teaching and to furnish such additional academic training as will tend to promote the usefulness of the public schools.

c. How conducted.—The said summer schools shall be conducted under the general management of the State Board of Education, and shall be subject to the supervision of the Superintendent of Public Instruction, who shall, from time to time, select the places of holding said summer schools, the instructors thereof, and regulate the course of instruction to be pursued therein.

d. Terms and regulations.—The said summer schools shall be held for a period of not less than four weeks in each year, beginning on such day or days in the summer vacation of the public schools as may be designated by the Superintendent of Public Instruction. The sum hereby authorized to be expended shall be applied exclusively to the payment of instructors and to all other necessary expenses incident to the conduct of said schools: provided, that all claims for services of instructors and other necessary expenses shall be submitted to and approved by the State Board of Education, and when so approved shall be paid by warrants of said board drawn on the Second Auditor, and a separate account of the receipts and disbursements, on account of the appropriation shall be kept by said board. (Code, Sec. 698)

e. Virginia Normal and Industrial Institute required to have summer session.—The president, professors, and teachers of the Virginia Normal and Industrial Institute shall be required, during each and every year, to conduct a summer normal school for the benefit of the colored teachers of the public schools of this State, and those who expect to become teachers in the public schools; said summer normal school shall begin on a day to be designated by the board of visitors, not later than the first day of July, and to continue for a term of four weeks. In said summer school shall be taught such branches as relate to the academic and professional improvement of teachers. (Code, Sec. 959)

17. Public Schools in Cities and Towns.

a. **Establishment.**—An efficient system of public free schools shall be established and maintained in all the cities and towns constituting separate school districts of the State.

The public free school system shall be administered by the following authorities, to-wit: A State Board of Education, a Superintendent of Public Instruction, division superintendents of schools, and city school boards. The provisions of chapter thirty-three, except as provided in this chapter, shall be applicable to such cities and towns in like manner as to the counties of the Commonwealth; and city and town school boards, officers, trustees, and teachers, as well as city and town treasurers, are charged with reference to the public free schools of such cities and towns with the duties, vested with the powers of and subject to the limitations and penalties imposed upon similar officers, boards, trustees, and treasurers in the counties by chapter thirty-three, unless otherwise provided. (Code, Sec. 774)

b. **Classification.**—Cities which have a population of ten thousand and upwards, shall, for school purposes, be known as cities of the first class, and cities which have less than ten thousand, shall be known as cities of the second class; but the provisions of the law concerning cities shall be applicable to both classes alike, unless the one or the other class be specifically referred to. (Code, Sec. 775)

c. **Number and bounds of districts.**—The school boards of the respective cities shall have power, subject to the approval of the common councils, to prescribe the number and boundaries of the school districts; but until such provision is made every such city which is not divided into wards shall constitute a single school district, and, in every city which is divided into wards, each ward shall be a school district. The number and boundaries of districts shall be duly reported to the Superintendent of Public Instruction and recorded in his office, and also in that of the clerk of the corporation court, or in that of the circuit court if there be no corporation court. (Code, Sec. 776)

d. Administration:

(1) *Superintendent*—

a'. **Who eligible.**—No mayor, member of council, or treasurer or other officer of a city, town or county shall be eligible to the office of division superintendent of schools of such city, town or county, or the clerk of a school board of such city, town or county; but, nothing herein contained shall apply to towns of less than one thousand inhabitants.

b'. **His pay.**—The division superintendent of a city shall receive pay from the State in like proportion as other division superintendents of schools; but nothing herein shall be construed to limit the amount of additional remuneration which he may receive from the council of the city within which he acts.

c'. **When to teach.**—The division superintendent of a city may teach in a public school, ex-officio, when requested so to do by the city school board.

(2) *School Board*—

a'. **Corporation.**—The school trustees of each city shall be a body corporate under the name and style of "The School Board of the City of _____," by which name it may sue and be sued, contract and be contracted with, and purchase, take hold, lease, and convey school property, both real and personal. The title to all school property both real and personal, within the city shall vest in the said board, except by mutual consent of the council and school board the title to property may vest in the city.

The trustees of the several districts, where there are more than one, shall have no organization or duties except such as may be assigned to them by the consolidated body.

b'. Jurisdiction.—The official care and authority of the school board shall cover all territory included in the corporate limits of the city or town constituting a separate school district, and also shall cover all school property located without and contiguous to the corporate limits of such city or town, when the title to said property is vested either in the school board of such city, as a body corporate, or in the city. The majority of its members shall constitute a quorum. It shall make by-laws and regulations for its own government and for the management of its official business, so far as they do not conflict with the provisions of the law.

c'. Manner of election.—The council of each city shall appoint three trustees for each school district in such city, whose term of office shall be three years, respectively, and one of whom shall be appointed annually. If a vacancy occurs in the office of trustee at any time during the term, the council shall fill it by appointing another for such part of the term as has not expired. Within thirty days preceding the day on which the term of said trustees shall expire by limitation, and within the like number of days preceding the day on which the term of any trustee shall expire by limitation in any subsequent year, such council shall appoint a successor to each such trustee in office, whose term shall commence when the term of his predecessor shall have expired: provided, the office of any such trustee has not been abolished in redistricting the city.

d'. Qualification.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which appointed, and if he shall cease to be a resident thereof, his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oaths prescribed for officers of the State before the corporation or the circuit court; or, in vacation, before the judge or clerk of said court, and the clerk of the said court shall make in his record book a minute of the qualification of said trustee.

No State officer, except a notary public, no city officer, no member of council, or any officer thereof, shall during his term of office be chosen or allowed to act, as a school trustee; but this provision shall not have the effect of prohibiting a referee in chancery or commissioner in bankruptcy, or member of the board of health, from holding such office.

e. Duties:

(1) *Submit estimate to council.*—It shall be the duty of the school board of every city, once in each year, and oftener, if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make appropriation accordingly.

(2) *Establish and maintain schools.*—The city school board of every city shall establish and maintain therein a general system of public free schools in accordance with the requirements of the Constitution and the general educational policy of the Commonwealth, for the accomplishment of which purpose it shall have the following powers and duties:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom

Second. To determine the studies to be pursued, the methods of teaching, and government to be employed in the schools, and the length of the school term.

Third. To employ teachers from a list or lists of eligibles to be furnished by the division superintendent and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position; provided, that no school

board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of section six hundred and eighty-eight of the laws relating to the public free schools in counties; and provided, further, that it shall not be lawful for the school board of any city or of any town constituting a separate school district to employ or pay any teacher from the public funds if said teacher is the father, mother, brother, sister, wife, son, or daughter of any member of said board.

Fourth. To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

Fifth. To decide what children, wishing to enter the schools of the city, are entitled by reason of the poverty of their parents or guardians to receive text-books free of charge, and to provide for supplying them accordingly.

Sixth. To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

Seventh. To see that the census of children required by sections six hundred and fifty-three and six hundred and fifty-four is taken within the proper time and in the proper manner.

Eighth. To hold regular meetings and to prescribe when and how special meetings may be called.

Ninth. To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

Tenth. To provide suitable school houses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal. No school house shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building and with the appliances pertaining thereto.

Eleventh. To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Twelfth. To manage and control the school funds of the city, to provide for the pay of teachers and of the clerk of the board, for the cost of providing school houses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text-books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

Thirteenth. To examine all claims against the school board, and when approved, to pay the same; provided, that a record of such approval shall be made in the proceedings of the board, and a warrant on the city treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person or persons entitled to receive

such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the day of

Fourteenth. It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified report of all expenditures and a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision by appropriation or levy, for the same.

Fifteenth. To perform such other duties as shall be prescribed by the State Board of Education or are imposed by other parts of this chapter.

City school boards shall in general have the same power in relation to the condemnation or purchase of land and to the vesting of the title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however set apart, whether by gift, grant, devise, or any other conveyance and from whatever source, as county and district school boards have in the counties. They shall also have a clerk, who may or may not be a member of the board and who shall be charged with the same duties as the clerk of district school board, and whose salary shall be fixed by the board.

18. School Buildings.

a. Plans, site, etc., must be approved by division superintendent.—(See section g, page 19).

b. Requirements:

(1) *Floor space*.—No plans for the erection of any school building or addition thereto shall be approved by the division superintendent of schools unless the same shall provide at least fifteen square feet of floor space. (Part Sec. 674, Code of Va.)

(2) *Air space*.—And two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein. (Part Sec. 674, Code of Va.)

(3) *Ventilation*.—And no such plan shall be approved by said division superintendent unless provision is made therein for assuring at least thirty cubic feet of pure air every minute per pupil, and the facilities for exhausting the foul and vitiated air therein shall be positive and independent of atmospheric changes. (Part Sec. 674, Code of Va.)

(4) *Height of ceilings*.—All ceilings shall be at least twelve feet in height. (Part Sec. 674, Code of Va.)

(5) *Halls, doors, stairways, etc.*—All school houses for which plans and detailed statements, shall be filed and approved by said division superintendent, shall have all halls, doors, stairways, seats, passage-ways, and aisles, and all lighting and heating appliances and apparatus, arranged to facilitate egress in cases of fire or accidents, and to afford the requisite and proper accommodations for public protection in such cases. All exit doors in any school houses of two or more stories in height shall open outwardly. No staircase shall be constructed except with straight runs, changes in direction being made by platforms. No doors shall open immediately upon a flight of stairs, but a landing at least the width of the doors shall be provided between such stairs and such doorway. (Code, Sec. 675)

(6) *Light*.—All school houses, as aforesaid, shall provide for the admission of light from the left, or from the left and rear of the pupils, and the total light area must be at least twenty-five per centum of the floor space.

(7) *Outhouses, toilets, etc.*—Every school board shall provide at least two suitable and convenient outhouses or water closets for each of the school houses under its control, unless the said school houses have suitable, convenient and sanitary water closets erected within same. Said outhouses or water closets shall be entirely separated, each from the other, and shall have separate means of access. School boards shall see that said outhouses or water closets are kept in a clean and wholesome condition. (Code, Sec. 676)

c. *State Board of Health authorized to make rules requiring school buildings to be so arranged as to safeguard health.*—The State Board of Health shall have the power to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public; to provide for the care, segregation and isolation of persons having, or suspected of having, any communicable, contagious or infectious disease; to regulate the method of disposition of garbage or sewage and any other refuse matter in or near any incorporated town, city, or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics and otherwise, in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health, and the prevention of disease; to make separate orders and rules to meet any emergency, not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other dangers to the public life and health; but nothing herein contained shall be construed as in anywise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in anywise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment; nor shall anything herein contained be construed as in anywise limiting any duty, power or powers now possessed by or heretofore granted to the said State Board of Health by the statutes of this State, or as affecting, modifying or repealing any rule or regulation heretofore adopted by said board.

Any person who shall violate, disobey, refuse, omit or neglect to comply with any rule of said State Board of Health, made by it in pursuance of this section shall be guilty of a misdemeanor.

d. *State Board of Health Regulations concerning sanitation in schools:*

(1) Every building used for public school purposes, public or private, shall comply with the State law regarding the amount of cubic space per pupil and amount of fresh air to be supplied. (Code, Sections 674, 675 and 676)

The air in any school-room at all times shall be kept in a wholesome condition, and exercises shall be suspended as often as necessary in order to renew the air in any room the ventilation of which is defective.

(2) No school-room shall be swept except after all school exercises have been concluded for the day.

The floor of no school-room shall be swept without first having been sprinkled with water or covered with damp sawdust or damp paper.

All sweepings shall be removed daily from the school-room.

The furniture and woodwork of every building shall be wiped down with an approved disinfectant solution at least once each month, and shall be wiped with a damp cloth at least once each week.

(3) Every room used for school purposes, public or private, shall be furnished at all times, when in use, with an adequate supply of drinking water of good sanitary quality. This shall be running water wherever same is available. If running water is not available a tank or cooler shall be supplied, furnished with a spigot; or a dipper shall be supplied, which shall be used only for dipping the water from such tank or cooler.

In addition to the dipper there shall be furnished a cup or glass to be used only for drinking, and which shall not be used for dipping water from the tank or bucket or any other purpose. The contents of every receptacle for drinking water must be renewed fresh every morning, and every receptacle, dipper, cup, or glass shall be well washed every morning and scalded with boiling water at least once each week.

(1) Every building used for public school purposes shall be furnished with two closets, one for males and one for females, separated as far as possible from each other and so arranged as to give the greatest possible privacy to persons using same.

Buildings to which water and sewerage are available shall be provided with water closets and connected with the sewerage system. Where water and sewerage are not available, buildings shall be provided with dry closets, built and maintained in accordance with the standard given in these regulations on dry closets. Such closets shall be at all times maintained in a clean and sanitary condition. (Adopted by State Board of Health, July 13, 1910)

e. **Use of common towels prohibited.**—It shall be unlawful for any person, firm or corporation to place, furnish or keep in place in any hotel, office building, railway train, railway station, public or private school, public lavatory or washroom, any towel for the common public use, and no person, firm or corporation in charge or control of any such place shall permit in such place the use of the common towel, "roller towel" or towels intended or available for common use by more than one person without being laundered after such use. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars. (1916, p. 496.) (Code, Sec. 1517)

f. **Burning or destroying schoolhouses; how punished.**—If any person maliciously burn, or by the use of dynamite or nitro-glycerine, or any other explosive substance, maliciously destroy, in whole or in part, any meeting-house, court-house, town-house, college, academy, school-house or other building erected for public use (except an asylum, hotel, jail, or prison), or any banking-house, warehouse, storehouse, manufactory, mill, or other house of another person, not usually occupied by persons lodging therein at night, at a time when any person is therein, or if he maliciously set fire to anything, by the burning whereof any building mentioned in this section shall be burned, at a time when any person is therein, he shall be confined in the penitentiary not less than three nor more than fifteen years. If such offense be committed when no person is in such building mentioned in this section, the offender shall be punished by confinement in the penitentiary not less than two nor more than ten years. (Code, Sec. 4430)

g. **Injury to schoolhouses; how punished.**—If any person wilfully and maliciously break any window or door of the capitol, or in any courthouse, house of public worship, college, schoolhouse, city or town hall, or other public building; or wilfully and maliciously injure or deface the capitol, or any statuary in the capitol or on the capitol square, or in any other public buildings, or on any public grounds; or wilfully and maliciously injure or deface any courthouse, house of public worship, or city or town hall, or other public building; or wilfully and maliciously destroy or carry away furniture belonging to or in either of the said buildings; he shall be fined not exceeding three hundred dollars, or confined in jail not exceeding sixty days, or both. (Code, Sec. 4482)

h. **A misdemeanor to disturb a school.**—If any person wilfully interrupt, molest, or disturb the exercise of any free school or any other school or of any literary society, or being intoxicated, disturb the same, whether wilfully or not, he shall be guilty of a misdemeanor. (Code, Sec. 4577)

19. School Taxes.

a. **Taxes on lands and lots, ground rents, and rent charge.**— * * * There shall be a tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State. (Code, Section 2205.) (See act of March 15, 1918, imposing special tax of 8 cents.)

b. **Tax on persons.**—Upon every male person, classified in Schedule A, there shall be a tax of one dollar and fifty cents, of which one dollar shall be for aid of the public free schools and fifty cents shall be returned and paid into the treasury of the county or city in which it shall have been collected. (Virginia Tax Laws, sec. 5)

Since the ratification of the nineteenth amendment this law is also applicable to all female citizens.

c. **Taxes on tangible personal property.**—On all personal property mentioned in Schedule B, as listed on pages 41 and 42 of Virginia Tax Laws, there shall be a tax of ten cents on every hundred dollars of the assessed valuation thereof, which shall be applied to the support of the public free schools of this State. (Segregation act, approved March 15, 1915.)

An Act approved March 15, 1918, imposes an additional tax of four cents for public schools of the primary and grammar grades from the first to the seventh grades, inclusive.

d. **Taxes on intangible personal property.**—See sections 8 and 9, pages 43-44-45-46-47-48 of Virginia Tax Laws.

e. **Taxes on railway and canal corporations.**—See sections 27, 28 and 29, pages 78 to 96 of the Virginia Tax Laws.

f. **Taxes on incorporated telegraph and telephone companies.**—See pages 100 to 105 of the Virginia Tax Laws.

g. **Taxes on water, heat, light and power companies.**—See pages 105 to 110 of the Virginia Tax Laws.

h. **School taxes to be separately assessed and paid in money.**—(As amended by act approved February 19, 1904.) All taxes assessed on property, real or personal, by this act, and by it dedicated to the maintenance of the public free schools of this State, shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the free school fund, and shall be used for no other purposes whatever. And to this end the Auditor of Public Accounts shall have the books of the commissioners of the revenue prepared with reference to the separate assessments and collection of said school tax, and the treasurers of the several counties and cities of the Commonwealth shall have the tax bills in their respective counties and cities so made out as to specify the amount of tax due from each tax payer to the said public free school fund, including the capitation tax and school taxes of whatever kind or nature, and to keep said capitation tax and school taxes separate and distinct from all other taxes or revenue so collected by him and forward the same thus separate and distinct to the Auditor of Public Accounts, which shall be kept separate and distinct by him from all other taxes or revenues until paid the public free schools. (Sec. 145, page 197, Virginia Tax Laws.)

i. **Segregation of taxable real estate and tangible personal property for local taxation only, with certain exceptions.**—All taxable real estate and all taxable tangible personal property and the tangible personal property of public service corporations (except rolling stock of corporations operating railroads by steam) and also the capital of merchants, is hereby segregated and made subject to local taxation only, except that there shall be a school tax of ten cents on every one hundred dollars of the assessed value of said

real estate, and tangible personal property, which tax shall be applied to the support of the public free schools for the equal benefit of all the people of the State, to be apportioned on a basis of school population. (Sec. 2205, page 276 of the Virginia Tax Laws)

j. **Assessment of school taxes; district taxes to be kept separate; duty of Auditor as to land and property books.**—See section 14, subsection “i,” page 65, this volume.

k. **Board of supervisors to lay levy for school taxes and to pay interest on school bonds.**—See School Funds, Sec. 14, subsection f, page 64 this volume.

l. **Maximum rate of levy for local school taxes.**—See School Funds, Sec. 14, subsection f, page 64, this volume.

m. **Treasurer's compensation for receiving and disbursing school taxes:**

(1) *State School Taxes.*—Every treasurer shall be allowed for his services in receiving and paying over the State revenues on amounts of twenty-five thousand dollars and less, five per centum, and on amounts in excess of twenty-five thousand dollars, three and one-half per centum, which shall be the entire compensation allowed treasurers in counties and cities in which the revenue exceeds twenty-five thousand dollars; provided that in counties and cities in which the revenue does not exceed ten thousand dollars, he shall, in addition to the five per centum, receive four per centum on all revenues remaining unpaid on December first and collected by him; and in counties and cities in which the revenue exceeds ten thousand and does not exceed fifteen thousand dollars, he shall, in addition to the five per centum, receive three per centum on all the revenue remaining unpaid December first, and collected by him; provided, further, that the commissions of the city treasurer, for collecting and paying over the revenue where the annual collection is in excess of sixty thousand dollars, shall be at the rate of two per centum on such excess; provided, further, that where the revenue exceeds fifteen thousand dollars, but is not sufficient in excess thereof to make the treasurer's compensation as much as it would have been had such revenue been less than fifteen thousand dollars, the treasurer shall be entitled to two per centum commission on all revenue remaining unpaid the first of December and collected by him up to fifteen thousand dollars. In computing commissions of the treasurer for receiving and disbursing State revenue under this section, such revenues shall be treated as a single fund.

(2) *Local Levies:*

a'. The county treasurer shall be allowed for his services in receiving and disbursing the county and school levies, including all moneys collected by order of the county authorities for any purpose, the compensation provided for in the preceding section, and the city treasurer shall be allowed for his services in receiving and disbursing the city and school levies (where he is collector of such levies) the same rate of compensation allowed by the preceding section for receiving and paying over the revenues, except on all amounts over twenty-five thousand dollars, on which such city treasurer shall be allowed three and a half per centum. But upon all funds turned over by any outgoing county treasurer, his successor for receiving and disbursing said funds shall have not more than two per centum commission. In computing the treasurer's commissions for receiving and disbursing the county levies, such levies for school purposes shall be treated as a single and distinct fund and the levies for all other local purposes shall be treated as a single and distinct fund.

b'. For receiving and disbursing the money derived from sale of general county or city bonds, or district road, bridge or school bonds, the treasurer shall receive as compensation for his services one-fourth of one per centum of the amount of the proceeds of sale of such bonds, and, in addition, the reasonable costs to him of additional surety bond required to be given by him on account of such bond issue.

c'. On money appropriated to counties and cities for school purposes by the General Assembly, and on amounts apportioned from the literary fund, the county or city treasurer shall receive as compensation for his services such compensation as shall be allowed by the school boards of the counties and cities, not exceeding one per centum on the amount of such school funds received and disbursed by him.

d'. For receiving and disbursing amounts of delinquent taxes collected by clerks of courts and turned over by said clerks to a treasurer, the treasurer shall receive as compensation for his services five per centum of such amounts turned over to him.

For collecting delinquent taxes from taxpayers prior to sale of property for delinquent taxes, and for money received from the sale of land for delinquent taxes the treasurer shall receive as compensation for his services ten per centum of such delinquent taxes collected by him.

e'. On money appropriated by the General Assembly for road purposes county treasurers shall receive compensation for their services one-fourth of one per centum of such amounts received and disbursed by them.

f'. For receiving and disbursing the money turned over to him by an outgoing treasurer, the treasurer shall receive as compensation for his services two per centum of the amount of such money turned over to him to be paid by the outgoing treasurer and for collecting the tax tickets turned over to him and disbursing the proceeds thereof, he shall receive three and one-half per centum, except that on school funds turned over to him derived from appropriations by the State or apportionments of the literary fund his compensation shall be one per centum of the amounts of such funds turned over to him, and on funds derived from county, city, or district bond issues his compensation shall be one-fourth of one per centum of the amounts of such funds turned over to him.

Nothing in this section shall prevent councils of cities from fixing the amount of compensation of treasurers of said cities in cases in which said councils are empowered by law to fix amount of compensation of treasurers of said cities.

On the real estate, personal property, public service corporations, and other taxes received by the State, prior to the segregation of taxes under an act approved February sixteenth, nineteen hundred and fifteen, entitled an act to segregate for the purpose of taxation, pursuant to section one hundred and sixty-nine of the Constitution of Virginia, the several kinds and classes of property so as to specify and determine upon what subjects State taxes, and upon what subject local taxes may be levied, and to provide for the continuance for the year nineteen hundred and fifteen of the present State school tax of ten cents on every one hundred dollars of the assessed value of real estate and tangible personal property, as further amended by an act approved March twenty-second, nineteen hundred and sixteen, but thereafter collectible for local purposes, the treasurers of cities, counties and towns, shall be paid for the tax year of nineteen hundred and twenty, and for each year thereafter the same commissions as allowed by law for collection of the State revenue at the time of the approval of the act, of February sixteenth, nineteen hundred and fifteen; provided, where there is a collector of taxes in any city of over fifty thousand inhabitants, the said commissions shall not be paid by the treasurer of such city on taxes collected by the city collector.

g'. On all funds other than those specified in the foregoing paragraphs the treasurer shall receive as compensation for his services, in receiving and disbursing such funds, three and one-half per centum of the amount of such funds, but on the proportion of capitation taxes returned to counties and cities by the State, and donations to county, city or district for any purpose the compensation shall be not exceeding one per centum. (Acts 1920, pages 350 to 352, amending Sections 2430 and 2431 of the Code.)

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